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THE GREAT DEBATE ON AMERICAN SLAVERY.

The Congress of the United States has now been nearly four months in session, and has been occupied almost exclusively with the one great subject of slavery. The most eminent men in the House of Representatives and the Senate have delivered their opinions in the most solemn manner on the issues which it involves. The two great parties in the conflict are the North and South—the free and the slave States. In a political point of view, it is not so much a party struggle, as to which section of the Union power shall henceforth belong. Hitherto the South has borne the sway. She has supplied, with comparatively few exceptions, the Federal Government with its presidents, vice-presidents, secretaries of state, and ambassadors. At the present time she has an equal number of votes with the North, in the Senate—a slaveholder for President—and, although she has not the same numerical power in the House of Representatives, she has a slaveholder for Speaker, and, by the arrogance of her pretensions and spirit, well-nigh commands a majority there. With the South, the issue of the present conflict is a question of life and death. Should she fail to accomplish her object, or to effect a compromise, she will gradually lose her influence, and be controlled by the North; should she come out of the present struggle triumphant, she will not only be able to secure her present predominance, but extend her power over every inch of territory originally possessed, or acquired recently by force of arms of Mexico, belonging to the confederated States.

The South requires that her citizens shall, equally with those of the North, have free access to California, New Mexico, and any future territory that may be acquired by conquest or annexation, with their property, including slaves; the North, on the contrary, insists that all such territory shall be free from the taint of slavery, and shall be wholly devoted to the use and service of free-men. This is the spirit of the Ordinance of 1787, and of the celebrated Wilmot Proviso. Upon the decision of this momentous issue depends whether justice and freedom shall be established, or slavery be perpetuated in the United States. The more violent portion of the southern men, headed by the late Mr. Calhoun, threaten the dissolution of the Union, if they cannot carry their point; the free-soilers, as they are termed, attach little importance to these threats; but there is a floating party in Congress, who are open to southern influences, and these are glad to find any pretext for voting with the South, or for sustaining any compromise between the North and the South.

The North claims for Congress the power of abolishing slavery and the slave-trade in the district of Columbia; the right to prohibit slavery in all the territories belonging to the Federal Government; the power to interdict the interstate slave-trade, and the supply of slaves coastwise, and thus to circumscribe the action and development of “the peculiar institution” of the South. The North, therefore, demands the introduction of California as a free State, with the boundaries which she claims; she also requires that a territorial Government be formed for New Mexico, with a provision excluding slavery; and, in making this demand, she is sustained by the united wishes of California and New Mexico. The South is furious at these claims, and is determined to oppose them at all hazards.

To mitigate the hostility of the contending parties, Mr. Clay proposes a compromise; he proposes to receive California into the Union with “suitable boundaries;” that is, he would divide it into two parts, one of which should be free, and another slave territory; in other words, he would apply the principle of the

“Missouri Compromise,” which gave all territory south of 36 deg. 30 min. to the southern States. He next proposes that the conquered territories should be organised under territorial Governments, “without any restriction as to slavery;” but to please the North, he gives it as his opinion that, as slavery does not now exist in them, “it is not likely to be introduced.” But as Texas lays claim, without the shadow of right, to a part of New Mexico, Mr. Clay proposes to satisfy her claims, by remitting the large debt she owes to the United States, upon her abandoning the same. In the next place, the great compromiser proposes that Congress should declare it to be inexpedient to abolish slavery in the district of Columbia; and should content itself with simply prohibiting the introduction of slaves into the district for sale. To balance this seeming concession, he proposes that more effectual provision should be made for the recapture of fugitive slaves, and their restoration to their owners; and his last proposition is, that the internal slave-trade, vile and loathsome as it is, shall be held sacred from prohibition and obstruction by the Federal Government for all time to come. This is the pith of Mr. Clay’s scheme. It will be seen that, covertly, it meets all the principal demands of the South, and strips the North of its rights, whilst, in appearance, it seems to concede some things to it. Following in the wake of Mr. Clay, the celebrated Daniel Webster, in a speech which has excited the indignation of his fellow-citizens in Massachusetts, declares it to be his intention to vote against the “Wilmot Proviso” in its application to California and New Mexico, and to vote, whenever he shall be called upon to do so, for the division of Texas into five slave States. He proposes to settle the alleged rights of Texas to part of New Mexico by purchase; and will join with Mr. Clay in the recapture and restoration of fugitive slaves to southern slaveholders. We make no comments on the course of this northern statesman on the great question of human rights. It is, however, refreshing to turn from him to such men as J. P. Hale, of New Hampshire; S. P. Chase, of Ohio; and W. H. Seward, of New York, an abstract of whose masterly speech in the Senate, on the 11th of March last, we now give.

SHALL CALIFORNIA BE RECEIVED AS A FREE STATE?

Four years ago, California, a Mexican province, scarcely inhabited and quite unexplored, was unknown even to our usually immoderate desires, except by a harbour, capacious and tranquil, which only statesmen then foresaw would be useful in the oriental commerce of a far distant, if not merely chimerical, future. A year ago, California was a mere military dependency of our own, and we were celebrating with unanimity and enthusiasm its acquisition, with its newly-discovered but yet untold and untouched mineral wealth, as the most auspicious of many and unparalleled achievements. To-day, California is a State, more populous than the least, and richer than several of the greatest of our thirty States. This same California, thus rich and populous, is here asking admission into the Union, and finds us debating the dissolution of the Union itself. No wonder if we are perplexed with ever-changing embarrassments! No wonder if we are appalled by ever-increasing responsibilities! No wonder if we are bewildered by the ever-augmenting magnitude and rapidity of national vicissitudes!—SHALL CALIFORNIA BE RECEIVED? For myself, upon my individual judgment and conscience, I answer, Yes. For myself, as an instructed representative of one of the States, of that one even of the States which is soonest and longest to be pressed in commercial and political rivalry by the new Commonwealth, I answer, Yes. Let California come in. Every new State, whether she come from the east or from the west—every new State, coming from whatever part of the continent she may, is always welcome. But California, that comes from the clime where the west dies away into the rising east; California, which bounds at once the empire and the continent; California, the

youthful queen of the Pacific, in her robes of freedom, gorgeously inlaid with gold—is doubly welcome.

REASONS FOR ITS ADMISSION.

After having fully replied to the arguments raised against the admission of California, on the ground that she had not obtained the preliminary consent of Congress for that purpose—that she had assigned her boundaries without the previous authority of that body, and that the extent of country claimed by her was too large, Mr. Seward proceeds:—

I proceed now to state my reasons for the opinion that California OUGHT TO BE ADMITTED. The population of the United States consists of natives of Caucasian origin, and exotics of the same derivation. The native mass rapidly assimilates to itself and absorbs the exotic, and thus these constitute one homogeneous people. The ruling family, planted at first on the Atlantic shore, and following an obvious law, is seen continually and rapidly spreading itself westward year by year, subduing the wilderness and the prairie, and thus extending this great political community, which, as fast as it advances, breaks into distinct States for municipal purposes only, while the whole constitutes one entire contiguous and compact nation. Well-established calculations in political arithmetic enable us to say that the aggregate population of the nation now is..... 22,000,000
That 10 years hence it will be 30,000,000
" 20 do. do. 38,000,000
" 30 do. do. 50,000,000
" 40 do. do. 64,000,000
" 50 do. do. 80,000,000
" 100, that is, in the year 1950 200,000,000

equal nearly to one-fourth of the present aggregate population of the globe, and double the population of Europe at the time of the discovery of America. But the advance of population on the Pacific will far exceed what has heretofore occurred on the Atlantic coast, while emigration even here is outstripping the calculations on which the estimates are based. Allowing due consideration to the increasing density of our population, we are safe in assuming, that long before this mass shall have attained the maximum of numbers indicated, the entire width of our possessions from the Atlantic to the Pacific ocean will be covered by it, and be brought into social maturity and complete political organisation.

Shall the American people be divided? Before deciding on this question, let us consider our position, our power, and capabilities. The world contains no seat of empire so magnificent as this; which, while it embraces all the varying climates of the temperate zone, and is traversed by wide-expanding lakes and long-branching rivers, offers supplies on the Atlantic shores to the over-crowded nations of Europe, while on the Pacific coast it intercepts the commerce of the Indies. The nation thus situated, and enjoying forest, mineral, and agricultural resources unequalled, if endowed also with moral energies adequate to the achievement of great enterprises, and favoured with a Government adapted to their character and condition, must command the empire of the seas, which alone is real empire. We have thoroughly tried our novel system of Democratic Federal Government, with its complex, yet harmonious and effective combination of distinct local elective agencies, for the conduct of domestic affairs, and its common central elective agencies, for the regulation of internal interests and of intercourse with foreign nations; and we know that it is a system equally cohesive in its parts, and capable of all desirable expansion; and that it is a system, moreover, perfectly adapted to secure domestic tranquillity, while it brings into activity all the elements of national aggrandisement. The Atlantic States, through their commercial, social, and political affinities and sympathies, are steadily renovating the Governments and the social constitutions of Europe and of Africa. The Pacific States must necessarily perform the same sublime and beneficent functions in Asia. If, then, the American people shall remain an undivided nation, the ripening civilisation of the West, after a separation growing wider and wider for four thousand years, will, in its circuit of the world, meet again and mingle with the declining civilisation of the east on our own free soil, and a new and more perfect civilisation will arise to bless the earth, under the sway of our own cherished and beneficent democratic institutions. California is already a State, a complete and fully appointed State. She never again can be less than that. She can never again be a province or a colony; nor can she be made to shrink and shrivel into the proportions of a federal dependent Territory. California, then, henceforth and for ever, must be, what she is now, a State. The question whether she shall be one of the United States of America has depended on her and on us. Her election has been made. Our consent alone remains suspended; and that consent must be pronounced now or never. I say *now* or *never*. Nothing prevents it now, but want of agreement among ourselves. Our harmony cannot increase while this question remains open. We shall never agree to admit California, unless we agree now. Nor will California abide delay. I do not say that she contemplates independence; but, if she does not, it is because she does not anticipate rejection. Will you say

that California could not aggrandise herself by separation? Would it, then, be a mean ambition to set up within fifty years, on the Pacific coast, monuments like those which we think two hundred years have been well spent in establishing on the Atlantic coast? Will you say that California has no ability to become independent? She has the same moral ability for enterprise that inheres in us, and that ability implies command of all physical means. She has advantages of position. She is practically further removed from you than England. You cannot reach her by railroad, nor by unbroken steam navigation. You can send no armies over the prairie, the mountain, and the desert, nor across the remote and narrow isthmus within a foreign jurisdiction, nor around the Cape of Storms. You may send a navy there, but she has only to open her mines, and she can seduce your navies and appropriate your floating bulwarks to her own defence. Let her only seize your domain within her borders, and your commerce in her ports, and she will have at once revenues and credit adequate to all her necessities. Besides, are we so moderate, and has the world become so just, that we have no rivals and no enemies to lend their sympathies and aid to compass the dismemberment of our empire? Try not the temper and fidelity of California—at least not now, not yet. Cherish her and indulge her until you have extended your settlements to her borders, and bound her fast by railroads, and canals, and telegraphs, to your interests—until her affinities of intercourse are established, and habits of loyalty are fixed—and then she can never be disengaged. California would not go alone. Oregon, so intimately allied to her, and as yet so loosely attached to us, would go also; and then at least the entire Pacific coast, with the western declivity of the Sierra Nevada, would be lost. It would not depend at all upon us, nor even on the mere forbearance of California, how far eastward the long line across the temperate zone should be drawn, which should separate the Republic of the Pacific from the Republic of the Atlantic. Terminus has passed away with all the deities of the ancient Pantheon, but his sceptre remains. Commerce is the god of boundaries, and no man now living can foretell his ultimate decree.

THE PROPOSED COMPROMISE.

But it is insisted that the admission of California shall be attended by a COMPROMISE of questions which have arisen out of SLAVERY! I AM OPPOSED TO ANY SUCH COMPROMISE, IN ANY AND ALL THE FORMS IN WHICH IT HAS BEEN PROPOSED. Because, while admitting the purity and the patriotism of all from whom it is my misfortune to differ, I think all legislative compromises radically wrong and essentially vicious. They involve the surrender of the exercise of judgment and conscience on distinct and separate questions, at distinct and separate times, with the indispensable advantages it affords for ascertaining truth. They involve a relinquishment of the right to reconsider in future the decisions of the present, on questions prematurely anticipated. And they are a usurpation as to future questions of the province of future legislators. Sir, it seems to me, as if slavery had laid its paralysing hand upon myself, and the blood were coursing less freely than its wont through my veins, when I endeavour to suppose that such a compromise has been effected, and my utterance for ever is arrested upon all the great questions, social, moral, and political, arising out of a subject so important, and as yet so incomprehensible. What am I to receive in this compromise? Freedom in California. It is well; it is a noble acquisition; it is worth a sacrifice. But what am I to give as an equivalent? A recognition of the claim to perpetuate slavery in the District of Columbia; forbearance towards more stringent laws concerning the arrest of persons suspected of being slaves found in the free States; forbearance from the *proviso* of freedom in the charters of new territories. None of the plans of compromise offered demand less than two, and most of them insist on all of these conditions. The equivalent then is, some portion of liberty, some portion of human rights in one region for liberty in another region. But California brings gold and commerce as well as freedom. I am, then, to surrender some portion of human freedom in the District of Columbia, and in East California and New Mexico, for the mixed consideration of liberty, gold, and power, on the Pacific coast. This view of legislative compromises is not *new*. It has widely prevailed, and many of the State Constitutions interdict the introduction of more than one subject into one bill submitted for legislative action. It was of such compromises that Burke said, in one of the loftiest bursts of even his majestic parliamentary eloquence:—

"Far, far from the Commons of Great Britain be all manner of real vice; but ten thousand times farther from them, as far as from pole to pole, be the whole tribe of spurious, affected, counterfeit and hypocritical virtues! These are the things which are ten thousand times more at war with real virtue; these are the things which are ten thousand times more at war with real duty, than any vice known by its name and distinguished by its proper character. Far, far from us be that false and affected candour that is eternally in treaty with crime—that half virtue, which, like the ambiguous animal that flies about in the twilight of a compromise between day and night, is, to a just man's eye, an odious and disgusting thing. There is no middle point, my lords, in which the Commons of Great Britain can meet tyranny and oppression."

But, Sir, if I could overcome my repugnance to compromises in general, I should object to this one, on the ground of the *inequality* and

incongruity of the interests to be compromised. Why, Sir, according to the views I have submitted, California ought to come in, and must come in, whether slavery stands or falls in the District of Columbia: whether slavery stands or falls in New Mexico and Eastern California; and even whether slavery stands or falls in the slave States. California ought to come in, being a free State; and, under the circumstances of her conquest, her compact, her abandonment, her justifiable and necessary establishment of a Constitution, and the inevitable dismemberment of the empire consequent upon her rejection, I should have voted for her admission even if she had come as a slave State. California ought to come in, and must come in at all events. It is, then, an independent, a paramount question. What, then, are these questions arising out of slavery, thus interposed, but collateral questions? They are unnecessary and incongruous, and therefore false issues, not introduced designedly, indeed, to defeat that great policy, yet unavoidably tending to that end.

MR. CALHOUN'S DEMAND.

It is now avowed by the honourable senator from South Carolina, (Mr. Calhoun,) that nothing will satisfy the slave States but a compromise that will convince them that they can remain in the Union consistently with their honour and their safety. And what are the concessions which will have that effect? Here they are, in the words of that senator:—

"The North must do justice by conceding to the South an equal right in the acquired territory, and do her duty by causing the stipulations relative to fugitive slaves to be faithfully fulfilled—cease the agitation of the slave question, and provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South in substance the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this Government."

These terms amount to this, that the free States having already, or although they may hereafter have, majorities of States, majorities of population, and majorities in both Houses of Congress, shall concede to the slave States, being in a minority in both, the unequal advantage of an equality. That is, that we shall alter the Constitution so as to convert the Government from a national democracy, operating by a constitutional majority of voices, into a federal alliance, in which the minority shall have a veto against the majority. And this is to return to the original articles of confederation. I will not stop to protest against the injustice or the inexpediency of an innovation which, if it was practicable, would be so entirely subversive of the principle of democratic institutions. It is enough to say that it is totally impracticable. The free States, Northern and Western, acquiesced in the long and nearly unbroken ascendancy of the slave States under the Constitution, because the result happened under the Constitution. But they have honour and interests to preserve, and there is nothing in the nature of mankind or in the character of that people to induce an expectation that they, loyal as they are, are insensible to the duty of defending them. But the scheme would still be impracticable, even if this difficulty were overcome. What is proposed is a *political* equilibrium. Every political equilibrium requires a physical equilibrium to rest upon, and is valueless without it. To constitute a physical equilibrium between the slave States and the free States requires, first, an equality of territory, or some near approximation. And this is already lost. But it requires much more than this. It requires an equality or a proximate equality in the number of slaves and freemen. And this must be perpetual. But the census of 1840 gives a slave basis of only 2,500,000, and a free basis of 14,500,000. And the population on the slave basis increases in the ratio of 25 per cent. for ten years, while that on the free basis advances at the rate of 38 per cent. The accelerating movement of the free population, now complained of, will occupy the new territories with pioneers, and every day increases the difficulty of forcing or insinuating slavery into regions which freemen have pre-occupied. And if this were possible, the African slave-trade is prohibited, and the domestic increase is not sufficient to supply the new slave States which are expected to maintain the equilibrium. The theory of a new political equilibrium claims that it once existed, and has been lost. When lost, and how? It began to be lost in 1787, when preliminary arrangements were made to admit five new free States in the Northwest territory, two years before the Constitution was finally adopted; that is, it began to be lost two years before it began to exist! Sir, the equilibrium, if restored, would be lost again, and lost more rapidly than it was before. The progress of the free population is to be accelerated by increased emigration from Europe and Asia, while that of the slaves is to be checked and retarded by inevitable partial emancipation. "Nothing," says Montesquieu, "reduces a man so low as always to see freemen, and yet not be free. Persons in that condition are natural enemies of the State, and their numbers would be dangerous if increased too high." Sir, the fugitive slave colonies and the emancipated slave colonies in the free States, in Canada, and in Liberia, are the best guarantees South Carolina has for the perpetuity of slavery.

RECAPTURE AND RESTORATION OF FUGITIVE SLAVES.

Nor would success attend any of the details of the compromise. And, first, I advert to the proposed alteration of the law concerning fugitives

from service or labour. I shall speak on this as on all subjects, with due respect, but yet frankly and without reservation. The Constitution contains only a compact, which rests for its execution on the States. Not content with this, the slave States induced legislation by Congress; and the Supreme Court of the United States have virtually decided that the whole subject is within the province of Congress, and exclusive of State authority. Nay, they have decided that slaves are to be regarded not merely as persons to be claimed, but as property and chattels, to be seized without any legal authority or claim whatever. The compact is thus subverted by the procurement of the slave States. With what reason, then, can they expect the States *ex gratia* to reassume the obligations from which they caused those States to be discharged? I say, then, to the slave States, you are entitled to no more stringent laws; and that such laws would be useless. The cause of the inefficiency of the present statute is not at all the leniency of its provisions. It is a law that deprives the alleged refugee, from a legal obligation not assumed by him, but imposed upon him by laws enacted before he was born, of the writ of *habeas corpus*, and of any certain judicial process of examination of the claim set up by his pursuer, and finally degrades him into a chattel which may be seized and carried away peaceably wherever found, even although exercising the rights and responsibilities of a free citizen of the Commonwealth in which he resides, and of the United States—a law which denies to the citizen all the safeguards of personal liberty, to render less frequent the escape of the bondman. And since complaints are so freely made against the one side, I shall not hesitate to declare that there have been even greater faults on the other side. Relying on the perversion of the Constitution which makes slaves mere chattels, the slave States have applied to them the principles of the criminal law, and have held that he who aided the escape of his fellow-man from bondage was guilty of a larceny in stealing him. I speak of what I know. Two instances came within my own knowledge, in which governors of slave States, under the provision of the Constitution relating to fugitives from justice, demanded from the governor of a free State the surrender of persons as thieves, whose alleged offences consisted in constructive larceny of the rags that covered the persons of female slaves, whose attempt at escape they permitted or assisted. We deem the principle of the law for the recapture of fugitives, therefore, unjust, unconstitutional, and immoral; and thus, while patriotism withholds its approbation, the consciences of our people condemn it. You will say that these convictions of ours are disloyal. Grant it, for the sake of argument. They are, nevertheless, honest; and the law is to be executed among us, not among you; not by us, but by the Federal authority. Has any Government ever succeeded in changing the moral convictions of its subjects by force? But these convictions imply no disloyalty. We reverence the Constitution, although we perceive this defect, just as we acknowledge the splendour and the power of the sun, although its surface is tarnished with here and there an opaque spot. Your Constitution and laws convert hospitality to the refugee from the most degrading oppression on earth into a crime, but all mankind, except you, esteem that hospitality a virtue. The right of extradition of a fugitive from justice is not admitted by the law of nature and of nations, but rests in voluntary compacts. I know of only two compacts found in diplomatic history that admitted EXTRADITION OF SLAVES. Here is one of them. It is found in a treaty of peace made between Alexander Commenus and Leontine, Greek emperors at Constantinople, and Oleg, King of Russia, in the year 902, and is in these words:—

"If a Russian slave take flight, or even if he is carried away by any one under pretence of having been bought, his master shall have the right and power to pursue him, and hunt for and capture him wherever he shall be found; and any person who shall oppose the master in the execution of this right shall be deemed guilty of violating this treaty, and be punished accordingly."

This was in the year of Grace 902, in the period called the "Dark Ages," and the contracting powers were despotisms. And here is the other:—

"No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up, on claim of the party to whom such service or labour is due."

This is from the Constitution of the United States in 1787, and the parties were the republican States of this Union. The law of nations disavows such compacts; the law of nature, written on the hearts and consciences of freemen, repudiates them. Armed power could not enforce them, because there is no public conscience to sustain them. I know that there are laws of various sorts which regulate the conduct of men. There are constitutions and statutes, codes mercantile and codes civil; but when we are legislating for States, especially when we are founding States, all these laws must be brought to the standard of the laws of God, and must be tried by that standard, and must stand or fall by it. This principle was happily explained by one of the most distinguished political philosophers of England in these emphatic words:—

"There is but one law for all—namely, that law which governs all law—the law of our Creator—the law of humanity, justice, equity—the law of nature and of nations. So far as any laws fortify this primeval law,

and give it more precision, more energy, more effect, by their declarations, such laws enter into the sanctuary and participate in the sacredness of its character; but the man who quotes as precedents the abuses of tyrants and robbers, pollutes the very fountains of justice, destroys the foundations of all law, and therefore removes the only safeguard against evil men, whether governors or governed; the guard which prevents governors from becoming tyrants, and the governed from becoming rebels."

There was deep philosophy in the confession of an eminent English Judge. When he had condemned a young woman to death, under the late sanguinary code of his country, for her first petty theft, she fell down dead at his feet:—"I seem to myself," said he, "to have been pronouncing sentence, not against the prisoner, but against the law itself." To conclude on this point. We are not slaveholders. We cannot, in our judgment, be either true Christians or real freemen, if we impose on another a chain that we defy all human power to fasten on ourselves. You believe and think otherwise, and, doubtless, with equal sincerity. We judge you not, and He alone, who ordained the conscience of man and its laws of action, can judge us. Do we, then, in this conflict, demand of you an unreasonable thing in asking that, since you will have property that can and will exercise human powers to effect its escape, you shall be your own police, and, in acting among us as such, you shall conform to principles indispensable to the security of admitted rights of freemen; if you will have this law executed, you must alleviate, not increase, its rigours.

ABOLITION OF SLAVERY IN THE DISTRICT OF COLUMBIA, AND THE WILMOT PROVISIO.

Another feature in most of these plans of compromise is a bill of peace for slavery in the district of Columbia; and this bill of peace we cannot grant. We of the free States are, equally with you of the slave States, responsible for the existence of slavery in this district, the field exclusively of our common legislation. I regret that, as yet, I see little reason to hope that a majority in favour of emancipation exists here. The legislature of New York, from whom, with great deference, I dissent, seems willing to accept now the extinction of the slave-trade, and waive emancipation. But we shall assume the whole responsibility if we stipulate not to exercise the power hereafter, when a majority shall be obtained. Nor will the plea with which you would furnish us be of any avail. If I could understand so mysterious a paradox myself, I never should be able to explain to the apprehension of the people whom I represent how it was that an absolute and express power to legislate in all cases over the district of Columbia was embarrassed and defeated by an implied condition not to legislate for the abolition of slavery in this district. Sir, I shall vote for that measure, and am willing to appropriate any means necessary to carry it into execution. And, if I shall be asked what I did to embellish the capital of my country, I will point to her freedmen, and say, these are the monuments of my munificence? If I was willing to advance a cause that I deem sacred by disingenuous means, I would advise you to adopt those means of compromise which I have thus examined. The echo is not quicker in its response than would be that loud and universal cry of repeal, that would not die away until the *habeas corpus* was secured to the alleged fugitive from bondage, and the symmetry of the free institutions of the capital was perfected. I apply the same observations to the proposition for a waiver of the proviso of freedom in territorial charters. Thus far you have only direct popular action in favour of that ordinance, and there seems even to be a partial disposition to await the action of the people of the new territories, as we have compulsorily waited for it in California. But I must tell you, nevertheless, in candour and in plainness, that the spirit of the people of the free States is set upon a spring that rises with the pressure put upon it. That spring, if pressed too hard, will give a recoil that will not leave here one servant who knew his Master's will, and did it not. You will say that this implies violence. Not at all. It implies only peaceful, lawful, constitutional, customary action. I cannot too strongly express my surprise that those who insist that the people of the slave States cannot be held back from remedies outside of the Constitution, should so far misunderstand us of the free States as to suppose we would not exercise our constitutional rights to sustain the policy which we deem just and beneficent.

TEXAS AND ITS BOUNDARIES.

I come now to notice the suggested compromise of the boundary between Texas and New Mexico. This is a judicial question in its nature, or at least a question of legal right and title. If it is to be compromised at all, it is due to the two parties, and to national dignity as well as to justice, that it be kept separate from compromises proceeding on the ground of expediency, and be settled by itself alone. I take this occasion to say, that while I do not intend to discuss the questions alluded to in this connection by the honorable and distinguished senator from Massachusetts, I am not able to agree with him in regard to the alleged obligation of Congress to admit four new slave States, to be formed in the State of Texas. There are several questions arising out of that subject, upon which I am not prepared to decide now, and which I desire to reserve for future consideration. One of these is, whether the article of annexation

does really deprive Congress of the right to exercise its choice in regard to the subdivision of Texas into four additional States. It seems to me by no means so plain a question as the senator from Massachusetts assumed, and that it must be left to remain an open question, as it is a great question, whether Congress is not a party whose future consent is necessary to the formation of new States out of Texas.

Mr. Webster—Supposing Congress to have the authority to fix the number, and time of election, and apportionment of representatives, &c., the question is, whether; if new States are formed out of Texas, to come into this Union, there is not a solemn pledge by law that they have a right to come in as slave States?

Mr. Seward—When the States are once formed, they have the right to come in as free or slave States, according to their own choice; but what I insist is, that they cannot be formed at all without the consent of Congress, to be hereafter given, which consent Congress is not obliged to give. But I pass that question for the present, and proceed to say, that I am not prepared to admit that the article of the annexation of Texas is itself constitutional. I find no authority in the Constitution of the United States for the annexation of foreign countries by a resolution of Congress, and no power adequate to that purpose but the treaty-making power of the President and the Senate. Entertaining this view, I must insist that the constitutionality of the annexation of Texas herself shall be cleared up, before I can agree to the admission of any new States to be formed within Texas. Mr. President, I understand, and I am happy in understanding, that I agree with the honourable senator from Massachusetts, that there is no obligation upon Congress to admit four new slave States out of Texas, but that Congress has reserved her right to say whether those States shall be formed and admitted or not. I shall rely on that reservation. I shall vote to admit no more slave States, unless under circumstances absolutely compulsory.

Mr. Webster—What I said was, that if the States hereafter to be made out of Texas choose to come in as slave States, they have a right so to do.

Mr. Seward—My position is, that they have not a right to come in at all, if Congress rejects their institutions. The sub-division of Texas is a matter optional with both parties, Texas and the United States.

Mr. Webster—Does the honourable senator mean to say that Congress can hereafter decide whether they shall be slave or free States?

Mr. Seward—I mean to say that Congress can hereafter decide whether any States, slave or free, can be framed out of Texas. If they should never be framed out of Texas, they never could be admitted.

THE SOUTHERN ARGUMENT REFUTED.

Another objection arises out of the principle on which the demand for compromise rests. That principle assumes a classification of the States as Northern and Southern States, as it is expressed by the honourable senator from South Carolina (Mr. Calhoun), but into slave States and free States, as more directly expressed by the honourable senator from Georgia (Mr. Berrien). The argument is, that the States are severally equal, and that these two classes were equal at the first, and that the Constitution was founded on that equilibrium. That the States being equal, and the classes of the States being equal in rights, they are to be regarded as constituting an association in which each State, and each of these classes of States, respectively, contribute in due proportions. That the new territories are a common acquisition, and the people of these several States and classes of States have an equal right to participate in them respectively. That the right of the people of the slave States to emigrate to the territories, with their slaves as property, is necessary to afford such a participation on their part, inasmuch as the people of the free States emigrate into the same territories with their property. And the argument deduces from this right the principle that, if Congress exclude slavery from any part of this new domain, it would be only just to set off a portion of the domain—some say, south of 36 deg. 30 min.; others, south of 34 deg.—which should be regarded at least as free to slavery, and to be organised into slave States. Argument ingenious and subtle, declamation earnest and bold, and persuasion gentle and winning as the voice of the turtle dove, all alike and altogether have failed to convince me of the soundness of this principle of the proposed compromise, or of any one of the propositions on which it is attempted to be established. How is the original equality of the States proved? It rests on a syllogism of Vattel, as follows:—"All men are equal by the law of nature and of nations. But States are only lawful aggregations of individual men, who severally are equal. Therefore, States are equal in natural rights." All this is just and sound. But assuming the same premises, to wit, that all men are equal by the law of nature and of nations, the right of property in slaves falls to the ground; for one who is equal to another cannot be the owner or property of that other. But you answer, that the Constitution recognises property in slaves. It would be sufficient, then, to reply that this constitutional recognition must be void, because it is repugnant to the law of nature and of nations. But I deny that the Constitution recognises property in man. I submit, on the other hand, most respectfully, that the Constitution not merely does not affirm that principle, but, on the contrary, altogether excludes

it. The Constitution does not *expressly* affirm anything on the subject; all that it contains is two incidental allusions to slaves. These are, first, in the provision establishing a ratio of representation and taxation; and, secondly, in the provision relating to fugitives from labour. In both cases the Constitution designedly mentions slaves, not as slaves, much less as chattels, but as *persons*. That this recognition of them as persons was designed is historically known, and I think was never denied. I give only two of the manifold proofs. First, John Jay, in the *Federalist*, says:—

"Let the case of the slaves be considered, as it is in truth a peculiar one. Let the compromising expedient of the Constitution be mutually adopted which regards them as *inhabitants*, but as debased below the equal level of free inhabitants, which regards the slave as divested of two-fifths of the man."

Yes, Sir, of two-fifths, but of only two-fifths; leaving still three-fifths; leaving the slave still an *inhabitant*, a person, a living, breathing, moving, reasoning, immortal man. The other proof is from the Debates in the Convention. It is brief, and I think instructive:—

"August 28, 1787.—Mr. Butler and Mr. Pinckney moved to require fugitive slaves and servants to be delivered up like convicts.

"Mr. Wilson—This would oblige the executive of the State to do it at public expense.

"Mr. Sherman saw no more propriety in the public seizing and surrendering a slave or a servant than a horse.

"Mr. Butler withdrew his proposition, in order that some particular provision might be made apart from this article.

"August 29.—Mr. Butler moved to insert after article 15:—'If any person bound to service or labour in any of the United States, shall escape into another State, he or she shall not be discharged from such service or labour in consequence of any regulation subsisting in the State to which they escape, but shall be delivered up to the person justly claiming their service or labour.'

"After the engrossment, September 15, page 550, article 4, section 2, the 3rd paragraph, the term 'legally' was struck out, and the words, 'under the laws thereof,' inserted after the word 'State,' in compliance with the wishes of some who thought the term 'legal' equivocal, and favouring the idea that slavery was legal in a *moral view*."—*Madison Debates*, pp. 487, 492.

I deem it established, then, that the Constitution does not recognise property in man, but leaves that question, as between the States, to the law of nature and of nations. That law, as expounded by Vattel, is founded in the reason of things. When God had created the earth, with its wonderful adaptations, he gave dominion over it to man, absolute human dominion. The title of that dominion thus bestowed would have been incomplete, if the Lord of all terrestrial things could himself have been the property of his fellow-man. The right to *have* a slave implies the right in some one to *make* the slave; that right must be equal and mutual, and this would resolve society into a state of perpetual war. But if we grant the original equality of the States, and grant also the constitutional recognition of slaves as property, still the argument we are considering fails. Because the States are not parties to the Constitution as States; it is the constitution of the people of the United States. But even if the States continue as States, they surrendered their equality as States, and submitted themselves to the sway of the numerical majority, with qualifications or checks; first, of the representation of three-fifths of slaves in the ratio of representation and taxation; and, secondly, of the equal representation of States in the Senate. The proposition of an established classification of States as *slave States* and *free States*, as insisted on by some, and into *Northern* and *Southern*, as maintained by others, seems to me purely imaginary, and of course the supposed equilibrium of those classes a mere conceit. This must be so, because when the Constitution was adopted twelve of the thirteen States were slave States, and so there was no equilibrium. And so as to the classification of States as Northern States and Southern States. It is the maintenance of slavery by law in a State, not parallels of latitude, that makes it a Southern State; and the absence of this that makes it a Northern State. And so all the States save one were Southern States, and there was no equilibrium. But the Constitution was made not only for Southern and Northern States, but for States neither Northern nor Southern—the Western States, their coming in being foreseen and provided for. It needs little argument to show that the idea of a joint stock association, or a copartnership, as applicable even by its analogies to the United States, is erroneous, with all the consequences fancifully deduced from it. The United States are a political state or organised society, whose end is government, for the security, welfare, and happiness of all who live under its protection. The theory I am combating reduces the objects of government to the mere spoils of conquest. Contrary to a theory so debasing, the preamble of the Constitution not only asserts the sovereignty to be, not in the States, but in the people, but also promulgates the objects of the Constitution:—

"We, the people of the United States, in order to form a *more perfect union*, establish *justice*, insure *domestic tranquillity*, provide for the *common defence*, promote the *GENERAL WELFARE*, and secure the *blessings of liberty*, do order and establish this Constitution."

Objects sublime and benevolent! They exclude the very idea of conquests, to be either divided among States or even enjoyed by them, for

the purpose of securing, not the blessings of liberty, but the evils of slavery. There is a novelty in the principle of the compromise which condemns it. Simultaneously with the establishment of the Constitution, Virginia ceded to the United States her domain, which then extended to the Mississippi, and was even claimed to extend to the Pacific ocean. Congress accepted it, and unanimously devoted the domain to freedom, in the language from which the ordinance now so severely condemned was borrowed. Five States have already been organised on this domain, from all of which, in pursuance of that ordinance, slavery is excluded. How did it happen that this theory of the equality of States, of the classification of States, of the equilibrium of States, of the title of the States to common enjoyment of the domain, or to an equitable and just partition between them, was never promulgated, nor even dreamed of by the slave States when they unanimously consented to that ordinance?

THE GREAT ISSUE.

In following out the line of his argument, Mr. Seward refuted the plea that slavery is, constitutionally, to be regarded as a permanent and ruling institution in the United States. Freedom, however, he demonstrated to be a perpetual, organic, and universal institution of the land. In reference to the national domain, he contended that the Constitution devoted it to the union, justice, defence, welfare, and liberty of the people. He then proceeded to state the great issue, and the subordination of the Constitution to the immutable law of God.

But there is a higher law than the Constitution, which regulates our authority over the domain, and devotes it to the same noble purposes. The territory is a part, no inconsiderable part, of the common heritage of mankind, bestowed upon them by the Creator of the Universe. We are his stewards, and must so discharge our trust as to secure, in the highest attainable degree, their happiness. How momentous that trust is, we may learn from the instructions of the founder of modern philosophy.

"No man," says Bacon, "can by care-taking, as the Scripture saith, add a cubit to his stature in this little model of a man's body; but, in the great frame of kingdoms and commonwealths, it is in the power of princes or estates to add amplitude and greatness to their kingdoms. For, by introducing such ordinances, constitutions, and customs, as are wise, they may sow greatness to their posterity and successors. But these things are commonly not observed, but left to take their chance."

This is a State, and we are deliberating for it, just as our fathers deliberated in establishing the institutions we enjoy. Whatever superiority there is in our condition and hopes over those of any other "kingdom" or "estate," is due to the fortunate circumstance that our ancestors did not leave things "to take their chance," but that they "added amplitude and greatness" to our commonwealth, "by introducing such ordinances, constitutions, and customs, as were wise." We in our turn have succeeded to the same responsibilities, and we cannot approach the duty before us wisely or justly, except we raise ourselves to the great consideration of how we can most certainly "sow greatness to our posterity and successors." And now the simple, bold, and even awful question which presents itself to us is this: Shall we, who are founding institutions, social and political, for countless millions—shall we, who know by experience the wise and the just, and are free to choose them, and to reject the erroneous and unjust—shall we establish human bondage, or permit it by our sufferance to be established? Sir, our forefathers would not have hesitated an hour. They found slavery existing here, and they left it only because they could not remove it. There is not only no free State which would now establish it, but there is no slave State, which, if it had had the free alternative as we now have, would have founded slavery. Indeed, our revolutionary predecessors had precisely the same question before them in establishing an organic law under which the States of Ohio, Michigan, Illinois, Wisconsin, and Iowa, have since come into the Union, and they solemnly repudiated and excluded slavery from those States for ever. I confess that the most alarming evidence of our degeneracy which has yet been given is found in the fact that we even debate such a question. Sir, there is no Christian nation thus free to choose as we are, which would establish slavery. I speak on due consideration, because Britain, France, and Mexico, have abolished slavery, and all other European States are preparing to abolish it as speedily as they can. We cannot establish slavery, because there are certain elements of the security, welfare, and greatness of nations, which we all admit or ought to admit, and recognise as essential, and these are the security of natural rights, the diffusion of knowledge, and the freedom of industry. Slavery is incompatible with all of these, and just in proportion to the extent that it prevails and controls in any republican state, just to that extent it subverts the principle of democracy, and converts the State into an aristocracy or a despotism.

RESULTS OF SLAVERY.

In dealing with this branch of his subject, Mr. Seward pointed to the fact that the population of Russia was, in 1844, no less than 54,251,000, of whom 53,500,000 were serfs, the remainder—say

751,000—being nobles, clergy, merchants, &c. The result was, that, at one and the same time, Russia was "the most arbitrary despotism, and the most barbarous State in Europe." In reference to the United States, Mr. Seward would only remark, "that their own experience had proved the dangerous influence and tendency of slavery; and that all their apprehensions of dangers, present and future, began and ended with slavery." He could not, therefore, "consent to introduce slavery into any part of the continent which is now exempt from so great an evil."

SPECIAL ARGUMENTS OF THE PRO-SLAVERY PARTY REFUTED.

The first of these, namely, that "Congress has no power to legislate on the subject of slavery within the territories," was disposed of, both as a question of principle and fact, and the power to exclude slavery was maintained, Mr. Seward said:—

This power comes from the treaty-making power also, and I think it well traced to the power to make needful rules and regulations concerning the public domain. But this question is not a material one now; the power is here to be exercised. The question now is, How is it to be exercised? not whether we shall exercise it at all, however derived. And the right to regulate property, to administer justice in regard to *property*, is assumed in every territorial charter. If we have the power to legislate concerning property, we have the power to legislate concerning personal rights. Freedom is a *personal* right; and Congress, being the supreme legislature, has the same right in regard to property and personal rights in territories that the States would have if organised.

The second argument, that the "Wilmot Proviso" was unnecessary, inasmuch as California and New Mexico could not become slave States, in consequence of their position and climate, was answered by an appeal to facts. In summing up his remarks on this point Mr. Seward said:—

Slavery has never obtained anywhere by express legislative authority, but always by trampling down laws higher than any mere municipal laws—the laws of nature and of nations. There can be no oppression in superadding the sanction of Congress to the authority which is so weak and so vehemently questioned. And there is some possibility, if not a probability, that the institution may obtain a foothold surreptitiously, if it should not be absolutely forbidden by our own authority. What is insisted upon, therefore, is not a mere abstraction or a mere sentiment, as is contended by those who waive the proviso. And what is conclusive on the subject is, that it is conceded on all hands that the effect of insisting on it prevents the intrusion of slavery into the region to which it is proposed to apply it.

The third argument, "that the diffusion of slavery would not increase its evils," was summarily disposed of as an absurdity.

THE DISSOLUTION OF THE UNION.

The observations of Mr. Seward on the threatened dissolution of the Union, by the Southern party, unless their demands were acceded to, were of the most cogent nature. He showed clearly that the South had everything to lose by such an event: to dissolve the Union, in order "to secure the institution of African slavery," was intolerable:—

The question of dissolving the Union is a complex question; that it embraces the fearful issue whether the Union shall stand, and slavery, under the steady, peaceful action of moral, social, and political causes, be removed by gradual, voluntary effort, and with compensation, or whether the Union shall be dissolved, and civil wars ensue, bringing on violent but complete and immediate emancipation. We are now arrived at that stage of our national progress when that crisis can be foreseen, when we must foresee it. It is directly before us. Its shadow is upon us. It darkens the legislative halls, the temples of worship, and the home and the hearth. Every question, political, civil, or ecclesiastical, however foreign to the subject of slavery, brings up slavery as an incident, and the incident supplants the principal question. We hear of nothing but slavery, and we can talk of nothing but slavery. And now, it seems to me that all our difficulties, embarrassments and dangers arise, not out of unlawful perversions of the question of slavery, as some suppose, but from the want of moral courage to meet this question of emancipation as we ought. Consequently, we hear on one side demands—absurd, indeed, but yet unceasing—for an immediate and unconditional abolition of slavery, as if any power, except the people of the slave States, could abolish it; and as if they could be moved to abolish it by merely sounding the trumpet violently and proclaiming emancipation, while the institution is interwoven with all their social and political interests, constitutions, and customs. On the other hand, our statesmen say that "slavery has always existed, and, for aught they know or can do, it always must exist. God permitted it, and he alone can indicate the way to remove it." As if the Supreme Creator, after giving us the instructions of his providence and revelation for the illumination of our minds and consciences, did not

leave us, in all human transactions, with due invocations of his Holy Spirit, to seek out his will and execute it for ourselves. Here, then, is the point of my separation from both of these parties. I feel assured that slavery must give way, and will give way, to the salutary instructions of economy, and to the ripening influences of humanity; that emancipation is inevitable, and is near; that it may be hastened or hindered; and that whether it be peaceful or violent, depends upon the question whether it be hastened or hindered; that all measures which fortify slavery or extend it, tend to the consummation of violence; all that check its extension and abate its strength, tend to its peaceful extirpation. But I will adopt none but lawful, constitutional, and peaceful means, to secure even that end; and none such can I or will I forego. Nor do I know any important or responsible body that proposes to do more than this. No free State claims to extend its legislation into a slave State. None claims that Congress shall usurp power to abolish slavery in the slave States. None claims that any violent, unconstitutional, or unlawful measure shall be embraced. And, on the other hand, if we offer no scheme or plan for the adoption of the slave States, with the assent and co-operation of Congress, it is only because the slave States are unwilling as yet to receive such suggestions, or even to entertain the question of emancipation in any form. But, Sir, I will take this occasion to say that, while I cannot agree with the honourable senator from Massachusetts, in proposing to devote eighty millions of dollars to remove the free coloured population from the slave States, and thus, as it appears to me, fortify slavery, there is no reasonable limit to which I am not willing to go, in applying the national treasures to effect the peaceful, voluntary removal of slavery itself.

GUARANTEES EXACTED BY THE SOUTH.

I have thus endeavoured to show that there is not now, and there is not likely to occur, any adequate cause for revolution in regard to slavery. But you reply that, nevertheless, you must have guarantees; and the first one is for the surrender of fugitives from labour. That guarantee you cannot have, as I have already shown, because you cannot roll back the tide of social progress. You must be content with what you have. If you wage war against us, you can, at most, only conquer us, and then all you can get will be a treaty, and that you have already. But you insist on a guarantee against the abolition of slavery in the district of Columbia, or war. Well, when you shall have declared war against us, what shall hinder us from immediately decreeing that slavery shall cease within the national capital? You say that you will not submit to the exclusion of slaves from the new territories. What will you gain by resistance? Liberty follows the sword, although her sway is one of peace and beneficence. Can you propagate slavery, then, by the sword? You insist that you cannot submit to the freedom with which slavery is discussed in the free States. Will war—a war for slavery—arrest or even moderate that discussion? No, Sir, that discussion will not cease; war would only inflame it to a greater height. It is a part of the eternal conflict between truth and error—between mind and physical force—the conflict of man against the obstacles which oppose his way to an ultimate and glorious destiny. It will go on until you shall terminate it in the only way in which any state or nation has ever terminated it—by yielding to it—yielding in your own time, and in your own manner, indeed, but nevertheless yielding to the progress of emancipation. You will do this, sooner or later, whatever may be your opinion now; because nations which were prudent and humane, and wise as you are, have done so already.

ALLIES OF SLAVERY.

Sir, the slave States have no reason to fear that this inevitable change will go too far or too fast for their safety or welfare. It cannot well go too fast or too far if the only alternative is a war of races. But it cannot go too fast. Slavery has a reliable and accommodating ally in a party in the free States, which, though it claims to be, and doubtless is, in many respects, a party of progress, finds its sole security for its political power, in the support and aid of slavery in the slave States. Of course I do not include in that party those who are now co-operating in maintaining the cause of freedom against slavery. I am not of that party of progress in the North which thus lends its support to slavery. But it is only just and candid that I should bear witness to its fidelity to the interests of slavery. Slavery has, moreover, a more natural alliance with the aristocracy of the North and with the aristocracy of Europe. So long as slavery shall possess the cotton-fields, the sugar-fields, and the rice fields of the world, so long will commerce and capital yield it toleration and sympathy. Emancipation is a democratic revolution. It is capital that arrests all democratic revolutions. It was capital that, in a single year, rolled back the tide of revolution from the base of the Carpathian mountains, across the Danube and the Rhine, into the streets of Paris. It is capital that is rapidly rolling back the throne of Napoleon into the chambers of the Tuileries. Slavery has a guarantee still stronger than these in the prejudices of caste and colour, which induce even large majorities in all the free States, to regard sympathy with the slave as an act of unmanly humiliation and self-abasement, although philosophy meekly expresses her distrust of the

asserted natural superiority of the white race, and confidently denies that such a superiority, if justly claimed, could give a title to oppression. There remains one more guarantee—one that has seldom failed you, and will seldom fail you hereafter. New States cling in closer alliance than older ones to the Federal power. The concentration of the slave power enables you for long periods to control the Federal Government with the aid of the new States. I do not know the sentiments of the representatives of California, but my word for it, if they should be admitted on this floor to-day, against your most obstinate opposition, they would, on all questions really affecting your interests, be found at your side. With these alliances to break the force of emancipation, there will be no disunion and no secession. I do not say that there may not be disturbance, though I do apprehend even that. Absolute regularity and order in administration have not yet been established in any Government, and unbroken popular tranquillity has not yet been attained in even the most advanced condition of human society. The machinery of our system is necessarily complex. A pivot may fall out here, a lever may be displaced there, a wheel may fall out of gearing elsewhere, but the machinery will soon recover its regularity and move on just as before, with even better adaptation and adjustment to overcome new obstructions.

CONCLUSION.

The Union, the creature of necessities, physical, moral, social, and political, endures by virtue of the same necessities; and these necessities are stronger than when it was produced—stronger by the greater amplitude of territory now covered by it—stronger by the sixfold increase of the society living under its beneficent protection—stronger by the augmentation ten thousand times of the fields, the workshops, the mines, and the ships of that society; of its productions of the sea, of the plough, of the loom, and of the anvil, in their constant circle of internal and international exchange—stronger in the long rivers, penetrating regions before unknown—stronger in all the artificial roads, canals, and other channels and avenues, essential not only to trade but to defence—stronger in steam navigation, in steam locomotion on the land, and in telegraph communications, unknown when the Constitution was adopted—stronger in the freedom and in the growing empire of the seas—stronger in the element of national honour in all lands, and stronger than all in the now settled habits of veneration and affection for institutions so stupendous and so useful. The Union, then, *is*, not because merely that men choose that it shall be, but because some Government must exist here, and no other Government than this can. If it could be dashed to atoms by the whirlwind, the lightning, or the earthquake, to-day, it would rise again in all its just and magnificent proportions to-morrow. I have heard somewhat here, and almost for the first time in my life, of divided allegiance—of allegiance to the South and to the Union—of allegiance to States severally and to the Union. Sir, if sympathies with State emulation and pride of achievement could be allowed to raise up another sovereign to divide the allegiance of a citizen of the United States, I might recognise the claims of the State to which, by birth and gratitude, I belong—to the State of Hamilton and Jay, of Schuyler, of the Clintons, and of Fulton—the State which, with less than two hundred miles of natural navigation connected with the ocean, has, by her own enterprise, secured to herself the commerce of the continent, and is steadily advancing to the command of the commerce of the world. But, for all this, I know only one country and one sovereign—the United States of America and the American people. And such as my allegiance is, is the loyalty of every other citizen of the United States. As I speak, he will speak when his time arrives. He knows no other country, and no other sovereign. He has life, liberty, property, and precious affections, and hopes for himself and for his posterity, treasured up in the ark of the Union. He knows as well and feels as strongly as I do that this Government is his own Government; that he is a part of it; that it was established for him, and that it is maintained by him; that it is the only truly wise, just, free, and equal Government that has ever existed; that no other Government could be so wise, just, free, and equal; and that it is safer and more beneficent than any which time or change could bring into its place. You may tell me, Sir, that although all this may be true, yet the trial of faction has not yet been made. Sir, if the trial of faction has not been made, it has not been because faction has not always existed, and has not always menaced a trial, but because faction could find no fulcrum on which to place the lever to subvert the Union, as it can find no fulcrum now; and in this is my confidence. I would not rashly provoke the trial; but I will not suffer a fear, which I have not, to make me compromise one sentiment, one principle of truth or justice, to avert a danger that all experience teaches me is purely chimerical. Let, then, those who distrust the Union make compromises to save it. I shall not impeach their wisdom, as I certainly cannot their patriotism; but, indulging no such apprehensions myself, I shall vote for the admission of California directly, without conditions, without qualifications, and without compromise. For the vindication of that vote I look not to the verdict of the passing hour, disturbed as the public mind now is by conflicting interests and passions, but to that period, happily not far distant, when the vast regions over which we are now legislating

shall have received their destined inhabitants. While looking forward to that day, its countless generations seem to me to be rising up and passing in dim and shadowy review before us; and a voice comes forth from their serried ranks, saying, "Waste your treasures and your armies, if you will; raze your fortifications to the ground; sink your navies into the sea; transmit to us even a dishonoured name, if you must; but the soil you hold in trust for us—give it to us free. You found it free, and conquered it to extend a better and surer freedom over it. Whatever choice you have made for yourselves, let us have no partial freedom; let us all be free: let the reversion of your broad domain descend to us unincumbered, and free from the calamities and the sorrows of human bondage."

We regret that our limited space has not permitted us to give the able and eloquent speech of Mr. Seward entire. For the calm dignity with which it was delivered, the breadth and elevation of view which it displays, and the noble spirit which everywhere animates it, it is not to be easily surpassed. It is considered, and justly so, a complete answer to the previous orations of Messrs. Clay, Calhoun, and Webster, and will render its author dear to every lover of freedom, not only in the United States, but throughout the world.

ILLUSTRATION OF AMERICAN SLAVERY.

Washington, Feb. 9, 1850.

On Wednesday last, a friend of mine received a letter from New York, soliciting his assistance in the purchase of a slave girl, who has recently fallen into the hands of the soul-traders in Alexandria. My friend being pressed with business, was anxious that I should take the matter in hand, and I accordingly assented.

The letter strongly urged the purchase of the girl, at a *reasonable* sum, which some kind friends in New York, who highly esteemed the mother of the unfortunate slave, agreed to raise.

They were willing to give 1000 or 1200, to satisfy the cupidity of these inhuman flesh-dealers, and prevent a separation of the girl from those whom she loved above all others; but they were not disposed to yield further to the demands of these monsters.

With these instructions, I proceeded upon my mission. Arrived at Alexandria, I asked if Mr. Hill was in.

"No!" said the fellow, "he has gone South, with a *drove*."

Upon my informing him that I came to purchase Emily, he told me that Mr. Bruin was waiting to hear from her mother, who he expected would give 1800 dollars for her. I set his mind at rest on that point, and desired to see her, and was flatly refused. "I have strict orders," said he, "not to admit any one." He then directed a smart-looking coloured youth to go with me to the city, and find him.

As I left the door, I cast my eye through the grating, and beheld an indiscriminate mass of men, women, and children, whose countenances betokened the deep emotions of the heart, all destined for the cotton and rice fields of the South. Families broken up—the strongest ties of humanity sundered—weeping and lamentation—broken-hearted and desolate—with no eye to pity and no hand to save. God of the oppressed! how long will thine arm be stayed!!

We found Bruin. I made known the object of my visit, and informed him that our New York friends had abandoned the idea of purchasing Emily at \$1800. Said he—"I am glad of it, Sir; I don't want to send her North—I prefer that she should go South. I have a large lot that I am going to take, of the most respectable class. She is one of the best of the lot. Besides, it will do us no good to let her go North."

After attempting a negotiation in every way that I could master, to no effect, I endeavoured to appeal to his sympathy.

"There is her mother. She loves her daughter. Can you not take less, to prevent their separation?"

"No, sir!" said he; "she can't go North for a cent short of what I have named; but if some *gentleman* (he laid much stress on the word *gentleman*) here wishes to purchase her *for himself*, he can have her for FIFTEEN HUNDRED DOLLARS!"

Great heaven! to what a depth of infamy will not men descend? Setting a price upon female beauty, virtue, and innocence, and for what? And these abominations, too, within sight of the American Capitol, and by virtue of American laws! Oh, if there is a sin more damning in its effects than the entire aggregate of others, it is the buying and selling of virtuous females for purposes of prostitution.

To raise the sum of 1800 dollars was impossible. I knew it, and told Bruin so; but it had no effect.

BRITISH AND FOREIGN ANTI-SLAVERY SOCIETY.

A private meeting of subscribers and friends will be held on Monday, the 20th day of May, 1850, at the White Hart Tavern, Bishopsgate-street, at half-past six o'clock in the evening precisely, on special business. It is sincerely hoped that as large a number as possible of our country friends will be present on the occasion.

The Anti-Slavery Reporter.

LONDON, WEDNESDAY, MAY the 1st, 1850.

We had intended to have offered some general remarks on the exciting and important debates which are now occupying the attention of the United States Congress; but the mail having just reached us, we have thought it better to present a summary of its most recent proceedings, than to do so, or to speculate upon the final results of the present contest between the freemen of the North and the slaveholders of the South.

Four months have elapsed since Congress has been in session, but not the slightest advance has been made with the public business. Every other question, however important to the general Government, or interesting to the separate States, has been swallowed up in the greater question, "Shall slavery be restricted within its present limits, or be extended into the new territories recently acquired by conquest from Mexico?" Neither branch of the American legislature has yet answered the momentous inquiry; and we believe it to be impossible yet to say in what way it will be finally settled.

From the papers before us we gather, that the Committee on Territories has reported a bill for the admission of California as a State, and bills for the organisation of territorial governments in Utah and New Mexico, with a provision for settling the boundary question between the latter and Texas. The Committee on the Judiciary had previously reported a bill for the more effectual reclamation of fugitive slaves. All these measures are before the Senate. Their principles have been under discussion for several months. The most eminent members of the body, on both sides of the question, have delivered their opinions; and the result is thus stated by the *National Era*:—"It is known that the bill for the admission of California will command a decided majority of the votes of the Senate; that a majority of its members will vote against the introduction of the 'Wilmot Proviso' in the territorial bills, and pass them without restriction as to slavery, being willing moreover to give any reasonable equivalent to Texas for the surrender of her claims to New Mexican territory. These facts are known with absolute certainty." It may be asked, "Why not then take up these bills, and act upon them at once?" The *Era* replies, "The slavery men will not permit this. They are not satisfied with being able to reject the Proviso, and pass the territorial bills without it. They are determined to link the admission of California, the organisation of territorial Governments, without restriction as to slavery, and the settlement of the Texas claim, in one Bill; and to accomplish this, the project of a compromise committee is urged, to which all these separate propositions may be referred, and by which they may be reported, and reported as one." The author of this movement is Mr. Foote, from Mississippi. In sustaining this measure, this violent man said, "The admission of California, as an independent measure, could never pass both Houses of Congress. Such a measure would create one undivided feeling of indignation on the part of the South, and no Southern man, who was not either stupid or a traitor, could advocate it;" and he then added, "if an attempt was made to force the measure through, there were Parliamentary means which would be used fearlessly, fully, and to the last, to resist such an outrage. He would say, further, that even if the friends of California succeed in carrying the measure through, it would dissolve the Union." In this "game of frustration," as it is called, Mr. Clingman, another slaveholder in the House of Representatives, is engaged. He proposes to move adjournments of the House, to call for the yeas and nays, &c., so as to prevent all action on the Appropriation Bills, until all questions now before Congress, relating to slavery, be settled in conformity with the wishes, or rather the demands, of the South. In opposition to this obstructive policy, we have Mr. Benton, who, though himself a slaveholder, and the representative in the Senate of a slave State, is opposed to the extension of slavery. He is decidedly in favour of the admission of California as a free State, without mixing it up with any other question whatever. In developing his reasons, he said, "His first

and paramount reason was, that he could never consent to put the question of her admission as a State in the balance with the question of the arrest of runaway negroes. No State had ever before been placed in such a position. California was a State, and should not be mixed up with anything below the dignity of a State. She had washed her hands of slavery at home, and should not be mixed up with it abroad. He objected to it on the principle of fair legislation, which required every measure to stand on its own merits. He objected on account of the nature of the subjects to be coupled with California—all angry, distracting, and threatening the dissolution of the Union, while her application is calm, conciliatory, and promising to strengthen the Union. He objected, finally, because California objected. She had provided in her Constitution, that no legislative Act should contain more than one subject, and that to be expressed in the title." On the other hand, Mr. Benton declared that "He was ready to vote for governments to the territories, and believed that, as slavery was extinct in New Mexico and all California, it cannot be revived in either without positive enactments." He is willing, however, to join the extreme Southern party in voting the public money to meet the demands of Texas, and upon the proposition for the recapture of fugitive slaves. Mr. Clay having declared his intention to vote in favour of Mr. Foote's committee, Mr. Benton said—"Mr. Clay had warned the friends of California, that the speediest way of getting within the Union was by coupling that with other measures, because otherwise there was a combination which would defeat the measure. He objected to this capitulation, by Congress, to a faction in Congress. It was dishonourable. His motto was, 'Honour first, peace afterwards,' but for no peace with dishonour." The pointed manner in which he had been referred to, brought out the following explanation from Mr. Clay:—"The only difference between Mr. Benton and him was, that he believed California would be most speedily admitted in combination with other measures; while Mr. B. thought that California would be most successful as an independent measure. Mr. C. disapproved most heartily of the combination of a minority to defeat action upon a measure, by a resort to legislative expedients. He condemned it. He was in favour of meeting argument with argument, reason by reason, and when he found himself in a minority, to submit; but there were others who thought differently—who thought it proper to resort to any and to all expedients to defeat a measure; and, such being the fact, they must take man as he is, and act accordingly." In taking the course which he has done, Mr. Clay is believed to be making one more effort to obtain the presidential chair, and that, in supporting Mr. Foote's motion, he has checkmated Mr. Webster, who aims at the same dignified position. Mr. Clay had previously avowed himself in favour of action on the subject of California as a separate measure, and was opposed to what is called an "Omnibus Bill." Mr. Webster, after the expression of such an opinion, thought himself safe to make a similar declaration; he, therefore, said:—"He thought the Senate ought to take up the Bill reported from the Territorial Committee, for the admission of California, and dispose of it first; and then he was in favour of action on the Territorial Bill. He despaired of any wise, temperate, and just legislation until these disturbing questions were removed; and, therefore, he wished they might be settled upon the true principles of the Constitution of the United States. I want (said Mr. W.) no new platform. I ask no new concessions on the one side or on the other—no new compromises. The Constitution is enough. It is broad enough, full enough, efficient enough; and if we can bring ourselves to act with moderation and temperance, and candour and magnanimity, and I will add, with what is equally important, a fraternal regard and sympathy, upon questions before us, in the spirit of the Constitution, we shall be able to rescue the country from its present perils." In reference to the threatened dissolution of the Union, Mr. Webster said:—"I must say, that I am quite incredulous to all the predictions of disunion from anything growing out of the present controversy—quite incredulous." Yet this is the man who is prepared to succumb to the South; and, in order to win their votes, is willing to sacrifice his good name and fame, as a man of lofty and generous principles, the friend of freedom, and the enemy of all tyranny and oppression. Whether Mr. Foote's motion will be carried in the Senate we have no means of judging. It was to be again taken into consideration on the day of our last advices.

The senators who have highly distinguished themselves in the great debate, are Messrs. Giddings, Hale, Chase, and Seward, an

analysis of whose remarkably able speech we give in the early part of the present *Reporter*.

By reference to the proceedings of the House of Representatives, we find that a Mr. M'Clelland has given notice of his intention to offer, at the proper time, a Bill for adjusting the question of slavery. "It will provide for the admission of California as a State, with its present boundaries; for the organisation of territorial Governments, without any restrictions as to slavery, in Utah and New Mexico; and for buying the claim of Texas for 10,000,000 dollars." Whereupon Mr. Carter, of Ohio, gave notice of his intention to offer the following proviso, as an amendment to the Bill, viz.:—"Provided that the laws and decrees prohibiting slavery in the Republic of Mexico, and in force at the time of the cession of the New Mexican territory to the United States, be and continue in force in the said territory until the citizens thereof shall frame Constitutions, and be received into the Union as sovereign States." Mr. Richardson, of Illinois, then took the floor, and delivered a speech against the Wilmot Proviso, and was followed by Mr. Marshall, of Kentucky, in a speech full of denunciation against the abolitionists of the United States. In a subsequent debate on the state of the Union, Mr. Harris, of Tennessee, delivered a speech in support of slavery; and was replied to by Mr. B. Corwin, of Ohio, in defence of the North against the charge of aggression.

When the debates will close, and how they will close, it is impossible to say; but one thing is certain, that never was the Anti-slavery cause so fully or so fiercely debated as during the present Congress. It will be henceforth impossible for the question of slavery or freedom to remain unsettled; and this appears to be the feeling of all parties. We wait the issue with more of confidence than of fear, and hope we shall be able, in our next *Reporter*, to state that the friends of justice and humanity, in the American Congress, have obtained a signal triumph over the slaveholders of the South.

In the police intelligence, which will be found reported in another part of our paper, will be found the case of one ISAAC BOWERS, a coloured man, a native of Antigua, and, of course, a British subject, who has recently suffered an imprisonment of two months, in the gaol of Charleston, South Carolina, for no criminal offence or misdemeanor committed by him, but solely on the ground of his colour. He does not appear even to have landed at the port of that city, but was taken bodily and by force out of the British bark, *Mary Ann*, from under the protection of the British flag; and contrary to our treaties with the United States, and the amity of nations, was deprived of his personal liberty, and subjected to the restraints and discipline of a prison. Isaac Bowers is admitted to be a most respectable and intelligent man, but, if we may judge from the answer of Lord Palmerston to the question of Mr. Cockburn, in relation to his case, he is not likely to obtain any redress for the indignity and injury he has suffered at the hands of the American authorities. Now we do not intend that this case shall pass over so lightly; it is too important to be shuffled out of sight, to suit the convenience of any parties; and the question must receive a definitive answer, whether the coloured population belonging to this country and its various dependencies are to be treated as felons and slaves in any ports of the United States; and whether the British Government is unable or unwilling to protect them, when going thither on their lawful business? It may not be known to some of our readers, that, had the captain of the *Mary Ann* chosen to have left Isaac Bowers in prison, or have refused to pay the expenses incurred by his detention there, he would have been sold to pay the gaol fees, and would now be a slave, probably on some Southern plantation.

The Committee of the Anti-slavery Society have long had the laws and police regulations of the slave States, affecting coloured people, under their consideration, and have frequently sought the aid of the Government for the protection of them, when injured by their application. Some years since, two British subjects from the Bahamas were seized and cast into prison in one of the slave States, on the ground of their colour. By a mere accident it was discovered that, being unable to pay the gaol fees, they were sold as slaves. In that case the Government made a demand on the United States, and one of them was ultimately discovered and restored to his freedom; the other could not be found, and most probably died under the merciless treatment he received. It is not improbable that at this very time there are many British coloured subjects in slavery, in the United States, and that more will have to endure the same hard fate,

unless the Government be urged to do its duty. A case similar to the one now under consideration was fully brought under the attention of Lord Aberdeen, when Foreign Minister; and from the correspondence which ensued, it was understood that, in future, the personal freedom of all British subjects, without distinction of colour, would be respected in the American ports. The case of Isaac Bowers, however, shows that we were mistaken; and we now call upon every portion of the British press and the British public, to demand from the Government that measures be immediately taken to prevent such outrages on our fellow-subjects for the future. We call also on the entire body of coloured persons in the emancipated colonies and in England, to make a special effort to obtain their rights in this particular. We advise them, without delay, to call public meetings, to collect facts, and to memorialise the Government on this important point; nor to desist, until the Foreign Minister shall do them justice, and extend an equal protection to them with that enjoyed by their white fellow-subjects.

LADIES' MEMORIAL.

The following are the communications that have been forwarded to the Committee respecting the presentation of their address to the Queen, on the increase of the slave-trade, and the promotion of the use of free-labour produce.

TO SIR GEORGE GREY.

Buckingham Palace, March 18th, 1850.

My dear Sir George,—I have not failed to lay before Her Majesty the address which you forwarded to me to-day, and which Her Majesty still has in her possession. When it is returned to me I will forward it to the Home Office. You well know that it is a subject in which the Queen takes a strong interest.

I have, &c.

C. B. PHIPPS.

To John Ellis Esq., M.P., who kindly undertook to confer with Sir George Grey, on behalf of the Committee:—

Whitehall, 17th April, 1850.

Sir,—I have the honour to inform you that I have laid before the Queen the address (which you placed in my hands) of Her Majesty's female subjects of Great Britain and Ireland, on the subject of slavery and the African slave-trade; and that the address was graciously received by Her Majesty.

I have the honour to be, Sir,

Your obedient servant,

G. GREY.

The Committee have lately been informed that the Queen had retained the petition at the Palace.

PANORAMA OF SLAVERY AND THE SLAVE-TRADE.

We hail every effort to spread information on the subject of slavery, with satisfaction, whether it come in the shape of public meetings, lectures, or pictorial representations; and, therefore, we earnestly invite those unacquainted with its details, or anxious to have their feelings of detestation deepened against the horrid institution, to an inspection of the moving panorama of American slavery, now exhibiting at the Royal Victoria-hall, Leicester-square. The hours of exhibition are, three in the afternoon, and half-past seven o'clock in the evening. The panorama opens with a scene on the African coast, and then follow a series of paintings embracing the great outlines of slavery in the United States, and the escape of slaves into Canada. The Rev. Mr. Irwin, the proprietor, comes highly recommended to us as a Christian and an abolitionist, who, during twelve years' residence in the slave States, became thoroughly acquainted with the system of slavery, and the sufferings and degradation of the slaves. He accompanies the panorama with illustrative remarks, having himself personally witnessed the events each department of the panorama is intended to represent, with the exception only of the African scene. We are satisfied that the great object which Mr. Irwin has in view is not profit, but the diffusion of information on the subject of American slavery, and that he deserves the patronage and support of every British abolitionist. Many will be in town during the anniversary meetings; and not one of them, we trust, will fail to visit this panorama, and to recommend others to follow the example. An hour spent in this way, we are persuaded, will not be regretted.

We have been compelled through want of space to omit our usual West India Intelligence and Miscellanea. We are glad, however, to inform our readers that intelligence has been received from our friends, Messrs. Alexander and Candler, who with their ladies are in good health, and have now, we believe, reached Jamaica, where they will remain some weeks.

PROCEEDINGS IN THE UNITED STATES SENATE.

At no time during the history of the Anti-slavery cause in the United States has there existed such a strong excitement on the subject of slavery as at the present. So important, indeed, is the present aspect of affairs deemed to be, that all the leading minds in the Senate have given utterance to their sentiments on the subject. In order to give our readers a fair view of the arguments adduced by the pro-slavery advocates, we have extracted from the speeches of Messrs. Clay, Calhoun, and Webster, who all vary in their estimate of the question, so much as will give a correct idea of their particular views, which we commend to the particular attention of our readers.

SPEECH OF HON. HENRY CLAY,

February 5th, 1850.

The resolutions having been read, Mr. Clay proceeded to address the Senate as follows:—The first resolution, Mr. President, as you are aware, Sir, relates to California; and it declares that California, with suitable limits, ought to be admitted as a member of this Union, without the imposition of any restriction, either to interdict or to introduce slavery within her limits. Now, Sir, is there any concession in this resolution by either party or the other? I know that gentlemen who come from the slaveholding States say that the North gets all that it desires. But by whom does it get it? Does it get it by any action of Congress? If slavery be interdicted in California, is it done by Congress, by this government? No, Sir, the interdiction is imposed by California herself. And has it not been the doctrine of all parties, that when a State is about to be admitted into the Union, that State has a right to decide for itself whether it will or will not have slavery within its limits? The great principle, Sir, which was in contest upon the memorable occasion of the introduction of Missouri into the Union was, whether it was competent or was not competent for Congress to impose any restriction which should exist after she became a member of the Union? We, who were in favour of the admission of Missouri, contended that no such restriction could be imposed. And so, Sir, I thought that those who have been contending with so much earnestness and with so much perseverance for the Wilmot Proviso, ought to reflect that even if they could carry their object, and adopt the Wilmot Proviso, it would cease the moment any State, to whose territory it was applicable, came to be admitted as a member of the Union. Then, Sir, if in this struggle of power and empire, between the two classes of States, a decision of California has taken place adverse to the wishes of the southern States, it is a decision not made by the general government; it is a decision respecting which they cannot complain to the general government. It is a decision made by California herself, and which California had incontestably a right to make under the constitution of the United States. Mr. President, the next resolution of the series which I have offered, I beg gentlemen candidly now to look at. I was aware, perfectly aware, of the perseverance with which the Wilmot Proviso was insisted upon. I knew that every one of the free States of this Union—I believe without exception—had, by its legislative bodies, passed resolutions, instructing its senators and requesting its representatives to get that restriction incorporated into any territorial bill that might be offered under the auspices of Congress. I knew how much—although I regretted how much—the free States had—if I may say so—put their hearts upon the adoption of this measure. In this second resolution I call upon them to waive persisting in it. I ask them, for the sake of peace, and in a spirit of mutual forbearance to the other members of the Union, to give it up, and no longer to insist upon it—to see, as they must see, if their eyes are open, the dangers which lie under it, if they persevere in insisting upon it. Well, Sir, when I called upon them in that resolution to do this, was I not bound to offer, for the surrender of this favourite measure of theirs, some compensation—not an equivalent by any means, but some compensation—as that spirit of mutual forbearance which animates the one side, ought, at the same time, to animate the other side? What is it that is offered them? It is a declaration of what I characterise and must style, with great deference to all those who entertain the opposite opinion—I will not say incontestable, but to me clear, and I think they ought to be regarded as indisputable truths. And what are they? The first is, that, by law, slavery no longer exists in any portion of the acquisition made by us from the republic of Mexico; and the other is, that in our opinion, according to all the probabilities of the case, slavery never will be introduced into any portion of the territories so acquired from Mexico. Now, Sir, I have heard it said, that this declaration of what I call those two truths is equivalent to the enactment of the Wilmot Proviso. I have heard this asserted, but is that the case? If the Wilmot Proviso were adopted in territorial governments established in these countries acquired from Mexico, it would be a positive enactment, a prohibition, an interdiction, as to the introduction of slavery within them. But with regard to those opinions, I had hoped, and still indulge the hope, that those who represent the free States will be inclined not to insist that we shall give—and, indeed, it would be extremely difficult to give to these declarations—the form of a positive enactment. I can only say that that second resolution, even without the declaration of these two truths, would be more acceptable to me than with them. Mr. President, the first of these truths is, that by law slavery does not exist within the territories ceded to us by the republic of Mexico. Now, Sir, with respect to the opinion here asserted, that slavery does not exist in the territories ceded to the United States by Mexico, I can only refer, Sir, to the fact of the passage of a law by the supreme government of Mexico abolishing it, I think in the year 1824, and the subsequent passage of a law by the legislative body of Mexico—I forget in what year—by which they propose—what, it is true, they never yet carried into full effect—a compensation to the owners of slaves for the property of which they were deprived by the act of abolition. I can only refer to the acquiescence of Mexico to the abolition of slavery, from the time of this extinction down to the time of the treaty by which we acquired these countries. All Mexico, so far as I know, acquiesced in the non-existence of slavery. Why, Sir, Mexico, upon this subject, showed to the last moment her anxiety. I take it, then, for granted, Sir—availing myself of the benefit of the discussions which took place upon this topic at a former session, which I think have left the whole country under the impression of the non-existence of slavery in

the ceded territories—I take it for granted that what I have said will satisfy the Senate of that first truth—that slavery does not exist there by law, unless slavery was carried there the moment the treaty was ratified by the two parties of the treaty, under the operation of the constitution of the United States. Now, Sir, really I must say that the idea that *eo instanti* upon the consummation of the treaty, the constitution of the United States spread itself over the entire country, and carried along with it the institution of slavery, is so irreconcilable with any comprehension or any reason which I possess, that I hardly know how to meet it. Why, Sir, these United States consist of thirty States. In fifteen of them there was slavery; in fifteen, slavery did not exist. How can it be argued that the fifteen slave States, by the operation of the constitution of the United States, carried into the ceded country their constitution of slavery, any more than it can be argued upon the other side, that, by the operation of the same constitution, the fifteen free States carried into the ceded territories the principle of freedom, which they, from policy, have chosen to adopt within their limits? Can you, amidst this conflict of interests, of principles, and of legislation, which prevail in the two parts of the Union—can you come to any other conclusion than that which I understand to be the conclusion of the public law, of the world, of reason, and of justice, that the *status* of law, as it existed at the moment of the conquest or acquisition, remains until altered by the sovereign authority of the conquering or acquiring power? But, Sir, before I approach that subject, allow me to say that, in my humble judgment, the institution of slavery presents two questions totally distinct, and resting upon entirely different grounds: slavery within the States, and slavery without the States. Congress, the general government, has no power, under the constitution of the United States, to touch slavery within the States, except in the three specified particulars in that instrument: to adjust the subject of representation, to impose taxes when a system of direct taxation is made, and to perform the duty of surrendering, or causing to be delivered up, fugitive slaves when they escape from the service which they owe in the slave States, and take refuge in the free States. And, Sir, I am ready to say that if Congress were to attack within the States the institution of slavery, with the purpose of the overthrow or the extinction of slavery, then, Mr. President, “my voice would be for war.” Far different would, I fear, be our case, if unhappily we should be led into war, into civil war; if the two parts of this country should be placed in a hostile position towards each other, in order to carry slavery into new territories acquired from Mexico. I am not going to take up that part of the subject which relates to the power of Congress to legislate. I shall have occasion to make some observations upon that subject in the course of my remarks—whether in this district of Columbia or in the territories; but I must say in a few words that I think those two sources of power, either of which is sufficient, in my judgment, to authorise the exercise of the power, either to introduce or keep out slavery, outside of the States, and within the Territories, exist. Mr. President, I shall not take up time, of which so much has been consumed already, to show that the clause which gives to Congress the power to make needful rules and regulations respecting the territory and other property of the United States, conveys the power to legislate for the territories. That the exercise of the power to make governments for territories in their infant state is in the nature of the power temporary, and such as must terminate whenever they have acquired a population competent to self-government. Sixty thousand is the number specified in the ordinance of 1787. Now, Sir, there is another source of power equally satisfactory in my mind—equally conclusive as that which relates specifically to the territories. This is the treaty-making power—the acquiring power. Now, I put it to gentlemen, is there not at this moment a power somewhere existing either to admit or exclude slavery from the territories? It is not an annihilated power; that is impossible. It is a substantive, actual, existing power. And where does it exist? It existed—no one, I presume, denies—in Mexico, prior to the cession of those territories. Mexico could have abolished slavery or have introduced slavery either in California or New Mexico. Now, that power must have been ceded. Who will deny that? Mexico has parted with the territory, and with the sovereignty of the territory; and to whom did she transfer it? She transferred the territory and the sovereignty over the territory to the government of the United States. The government of the United States then acquired all the territory and all the sovereignty over that territory which Mexico held in California and New Mexico prior to the cession of these territories. Sir, dispute that who can.—The power exists, or it does not exist. It existed in Mexico. No one, I think, can deny that Mexico alienated her sovereignty over the territory to the government of the United States, which, therefore, possesses all the powers which Mexico possessed over the territories; and the government of the United States can do with reference to them—within, I admit, certain limits of the constitution—whatever Mexico could have done. There are prohibitions upon the power of Congress within the constitution, which prohibitions, I admit, must apply to Congress, whenever it legislates, whether for the old States or the new territories; but within the scope of those prohibitions, the powers of Congress are co-extensive and co-equal with the powers of Mexico prior to the cession. And, Sir, I come now to the question of the extent of the power. I think it is a power adequate either to introduce or to exclude slavery. I admit the argument in both its forms of application. I admit that, if the power exists of excluding, the power must also exist of introducing or tolerating slavery within the territories. But, Sir, I have been drawn off so far from the second resolution, which I have now under consideration, that I have almost lost it out of view. In order, therefore, that we may come back understandingly to the subject, I will again read it:—“Resolved, That as slavery does not exist by law, and is not likely to be introduced into any of the territory acquired by the United States from the republic of Mexico, it is inexpedient for Congress to provide by law either for its introduction into, or exclusion from, any part of the said territory; and that appropriate territorial governments ought to be established by Congress in all of the said territory not assigned as the boundaries of the proposed State of California, without the adoption of any restriction or condition on the subject of slavery.” The other truth, as I respectfully and with great deference submit, is this: The resolution announces that slavery is not likely to be introduced into any of those territories. Well, Sir, is not that the fact? Is there a member of this body who doubts it? What has occurred within the last three months? In California, more than in any other portion of the ceded territories, was it most probable, if slavery

was adapted to the industrial habits of the people, that slavery would be introduced; yet, within the last three months, slavery has been excluded by the vote—the unanimous vote—of the convention against its introduction—a vote, as I observed on a former occasion, not confined to men from the non-slaveholding States. There were men from the slaveholding States as well, who concurred in that declaration; and that declaration has been responded to by the people of California of all classes, and from all parts of the United States, and from foreign countries. Well, Sir, if we come down to those mountainous ridges, which abound in Mexico, the nature of its soil, its barrenness, its unproductive character, everything that we know, everything that we hear of it, must necessarily lead to the conclusion which I have mentioned, that slavery is not likely to be introduced there. Well, Sir, if it be true that by law slavery does not now exist in the territories—if it is not likely to be introduced into the territories—if you senators here, or a majority of you, believe these truths, as I am persuaded a large majority of you do—where is the difficulty in your announcing it to the whole world? Let me suppose all this had been known at the North, at the time the agitation was being excited upon the subject of this Wilmot Proviso, do you believe that it would ever have reached the height to which it has since risen? Do any of you believe it? And if, prior to your departure from your respective homes, you had had the opportunity of conversing with your constituents upon this great, pleasing, and important fact of the adoption of a constitution excluding slavery from California, do you not believe, senators and representatives coming from the free States, that if you had had the aid of the fact in a calm, serious, fire-side conversation, your constituents would not have told you to come here and settle all those questions without danger to the Union? I pass from the second resolution to the third and fourth, which relate to the Texas question. But allow me to say, Mr. President, that I approach the subject with a full knowledge of all its difficulties: and of all the questions connected with, or growing out of this institution of slavery, which Congress is called upon to pass upon at this time, there are none so difficult and troublesome as this which relates to Texas; because Texas, Sir, has the question of boundary to settle. The question of slavery, or the feeling connected with the institution of slavery, runs into the question of Texas. The North are, perhaps, anxious to contract Texas within the narrowest possible limits, in order to exclude all beyond them, and to make it free territory. The South, on the contrary, are anxious to extend their limits to the source of the Rio Grande, for the purpose of obtaining an additional theatre for slavery; and it is this question of the limits of Texas and the settlement of her boundaries which precedes all others. These resolutions propose a boundary to Texas. What is it? We know the diversity of opinion which exists in this country upon the subject of boundaries. We know that a very large portion of the people of the United States have supposed that the western limit of Texas was the Nueces—that it did not extend to the Rio Grande. We know that the question of what is the western limit and the northern limit of Texas was an open question—has been all along an open question; was an open question when the boundary was run in virtue of the act of 1838, marking the boundary between the United States and Texas. Now, Sir, it is impossible for me to go into the whole question. I mean to express rather my opinion than to go into the whole extent of the argument. The western boundary of Texas being unsettled, and Congress retaining to itself the power to settle it, I ask, suppose that power had been exercised, and that no cession of territory to the United States had ensued, and that the negotiations between the two countries had been limited to the settlement of the western and northern limits of Texas, could it not have been done by the United States and Mexico conjointly? Suppose that a treaty of the limits of Texas had been concluded between Mexico and the United States, fixing the Nueces as the boundary, would not Texas have been bound by it? Or suppose it had been the Rio Grande, Colorado, or any other point, whatever limit had been fixed upon by the joint act of the two powers, would it not have been obligatory upon Texas, by the express terms of the resolution by which it was annexed? Well now, Sir, if Mexico and the United States conjointly by treaty might have fixed upon the western and northern limits of Texas, and if the United States have acquired that power by treaty, then all the power upon which the limits of Texas must have depended is now invested in the United States solely and exclusively—all which Mexico and the United States conjointly possessed prior to the old treaty with Mexico. It seems to me, Sir, that the conclusion and reasoning are perfectly irresistible. If Mexico and the United States could have fixed upon any western limits for Texas, and did not do it, and if the United States have acquired to themselves by the treaty any extent of the territory upon which the western limit was to be fixed, and must be fixed, it seems to me that no one can resist the logical conclusion that the United States now has the power to do what the United States and Mexico conjointly could have done. I admit that it is a delicate power—an extremely delicate power. I admit that it ought to be exercised with a spirit of justice, generosity, and liberality towards this youngest member of the great American family. Mr. President, I have said that I thought the power has been concentrated in the United States to fix upon the limits of Texas. I have said that this power ought to be exercised in a spirit of great liberality and justice, and I put it to you, Sir, to say, upon this second resolution of mine, whether that liberality and justice have not been displayed in the resolution. What is proposed? To confine her to the Nueces? No, Sir. To extend it from the Sabine to the mouth of the Rio Grande—and to extend it up the Rio Grande to the southern limits of New Mexico, and thence, with that limit, to the boundary between the United States and Spain, as marked out under the treaty of 1819. Why, Sir, here is a vast country. I have made no estimate about it, but I believe it is equal in amount of acres—of square miles—to what Texas east of the Nueces and extending to the Sabine had before. And who is there that can say, with truth and justice, that there is no reciprocity, no cordiality, no concession, in these resolutions made to Texas, even with reference to the question of boundary line? They give her a vast country, equal in amount nearly, I repeat, to what she indisputably possessed before—a country sufficiently large, with her consent hereafter, to carve out of it some two or three additional States, when the condition and number of the population may render it expedient to make new States. Well, Sir, is not that concession liberality and justice?

“5th. Resolved, That it is inexpedient to abolish slavery in the district of Columbia, whilst that institution continues to exist in the State of Mary-

land, without the consent of that State, without the consent of the people of the district, and without just compensation to the owners of slaves within the district. Mr. President, an objection was made to this resolution by some honourable senators upon the other side of this body, that it did not contain an assertion of the unconstitutionality of the exercise of the power of abolition upon the part of Congress, with regard to the district. I said then, as I have uniformly maintained in this body, as I contended in 1838, and ever have done, that the power to abolish slavery in the district of Columbia has been vested in Congress by language too clear and explicit to admit, in my judgment, of any rational reply whatever. What, Sir, is the language of the Constitution? Congress shall have power—“To exercise exclusive legislation in all cases whatsoever over such district, not exceeding ten miles square, as may, by cession of particular State and the acceptance of Congress, become the seat of government of the United States.” Now, Sir, Congress, by this granting of power, is invested with all legislation whatsoever over the district. Not only is it here invested, but it is exclusively invested with all legislation whatsoever over the district. Now, Sir, can we conceive of any language more particular and comprehensive than that which invests a legislative body with exclusive power in all cases whatsoever of legislation over a given district of territory or country? Let me ask, Sir, is there any power to abolish slavery in this district? Let me suppose, in addition to what I suggested the other day, that slavery had been abolished in Maryland and Virginia; let me add to that supposition that it was abolished in all the States in the Union; is there any power, then, to abolish slavery within the district of Columbia, or is slavery planted here to all eternity, without the possibility of the exercise of any legislative power for its abolition? It cannot be invested in Maryland, because the power with which Congress is invested is exclusive. Maryland, therefore, is excluded, and all the other States of the Union are excluded. It is here, or it is nowhere. This was the view which I took in 1838; and I think there is nothing in the resolution which I offered upon that occasion incompatible with the view which I now present, and which this resolution contains. While I admitted the power to exist in Congress, and exclusively in Congress, to legislate in all cases whatsoever,—and consequently in the case of the abolition of slavery within this district, if it deemed it proper to do so—I admitted upon that occasion, as I contend now, that it was a power which Congress cannot in conscience and good faith exercise, while the institution of slavery continues within the State of Maryland. Well, Sir, what does the resolution propose? The resolution neither affirms nor disaffirms the constitutionality of the exercise of the power of abolition in the district. It is silent upon that subject. It says that it is inexpedient to do it, but upon certain conditions? Why, first, that the State of Maryland shall give its consent; in other words, that the State of Maryland shall release the United States. Well, Sir, if Maryland, and the only State now that ceded any portion of the territory which remains to us, will consent—in other words, if she releases Congress from the obligation growing out of the cession with regard to slavery—I consider, Sir, that that would remove the obstacles to the exercise of the power, if it were deemed expedient to exercise it; but it is only removing one of them. There are two other conditions which are inserted in this resolution; the first is the consent of the people of the district. And, Sir, I have not stopped there. This resolution requires still a third condition, and that is, that slavery shall not be abolished within the district of Columbia, although Maryland consents, and although the people of the district itself consent, without the third condition—that of making compensation to the owners of slaves within the district. And, Sir, it is immaterial to me upon what basis this obligation to compensate the slaveholders in the district for such slaves as may be liberated under the authority of Congress is placed. Now, with respect to the resolution now under consideration, the North has contended that the power exists under the constitution to abolish slavery here. I am aware that the South, or a great portion of the South, have contended for the opposite doctrine. Now, what does this resolution ask? It asks of both parties to forbear urging their respective opinions—the one to the exclusion of the other. But it concedes to the South all that the South, it appears to me, ought in reason to demand, inasmuch as it requires such conditions as amount to an absolute security for the property in slaves within the district—such conditions as will make the existence of slavery in the district coeval and co-extensive with its existence in any of the States, out of or beyond the district. The second clause of this resolution provides that it is expedient to prohibit within the district the slave-trade in slaves brought into it. Mr. President, if it be ceded that Congress has the power of legislation—exclusive legislation—in all cases whatsoever, how can it be doubted that Congress has the power to prohibit what is called the slave-trade within the district of Columbia? Sir, my interpretation of the constitution is this; that with regard to all those portions of jurisdiction which operate upon the States, Congress can exercise no power which is not granted, or not a necessary implication from a granted power. Such is the rule for the action of Congress in relation to its legislation upon the States. But in relation to its legislation upon this district, the reverse, I take it, is the true rule; that Congress has all power which is not prohibited by some provision of the constitution of the United States. In other words, Congress has a power within the district equivalent to, and co-extensive with the power which any State itself possesses within its own limits. Well, Sir, can any one doubt the power and right of any State in this Union—of any slaveholding State—to forbid the introduction, as merchandise, of slaves, within its own limits? Why, Sir, almost every slaveholding State in the Union has exercised its power to prohibit the introduction of slaves as merchandise. It is in the constitution of my own State: and after all the agitation and excitement upon the subject of slavery which has existed in the State of Kentucky during the last year, the same principle is incorporated in the new constitution. It is in the constitution, I know, of Mississippi also. That State prohibits the introduction of slaves within its limits as merchandise. Well then, Sir, I really do not think that this resolution, which purposes to abolish that trade, ought to be considered as a concession by either class of States to the other class. Abolish the slave-trade within the district of Columbia, reassert the doctrine of the resolution of 1838, that by an implied obligation, on the part of Congress, slavery ought not to be abolished within the district of Columbia, so long as it remains in the State of Maryland—reassert the principle of that resolution, and adopt other measures proposed in these resolutions, or some other similar measures—and I

venture to predict, that instead of the distractions and anxieties which now prevail, we shall have peace and quiet for thirty years hereafter, such as followed the disposition of the same exciting and unhappy subject after the Missouri compromise. The next resolution, Sir, is as follows:—"7th. Resolved, That more effectual provisions ought to be made by law, according to the requirement of the constitution, for the restitution and delivery of persons bound to service or labour in any State, who may escape into any other State or territory of this Union." Well, Mr. President, upon this subject I go with him who goes furthest in the interpretation of that clause in the constitution which relates to this subject. In my humble opinion, Sir, that is a requirement by the constitution of the United States, which is not limited in its operation to the Congress of the United States, but which extends to every State in the Union, and to the officers of every State in the Union. And I go one step further. It extends to every man in the Union, and devolves upon him the obligation to assist in the recovery of a fugitive slave from labour, who takes refuge in or escapes into one of the free States. And, Sir, I maintain all this by a fair interpretation of the constitution. The clause is as follows:—"No person held to service or labour in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up, on claim of the party to whom such service or labour may be due." It will be observed, Mr. President, that this clause in the constitution is not amongst the enumerated powers granted to Congress—where, if it had been placed, it might have been argued that Congress alone can legislate and carry it into effect—but it is one of the general powers, or one of the general rights secured by this constitution or instrument, and it addresses itself to all who are bound by the constitution of the United States. Now, Sir, the officers of the General Government are bound to take an oath to support the constitution of the United States. All State officers are required by the constitution to take an oath to support it, and all men who love their country, and are obedient to its laws, are bound to assist in the execution of these laws, whether fundamental or derivative. I do not say, Sir, that a private individual is obliged to make the tour of his whole State, in order to assist the owner of a slave to recover his property; but I do say, if he is present when the owner of a slave is about to assert his rights and regain possession of his property, that he, that is, every man present, whether officer or agent of the State or Government, or private individual, is bound to assist in the execution of the laws of their country. What is the provision? It is that such fugitive "shall be delivered up, on claim of the party to whom such service or labour may be due." I think, Mr. President, that with regard to the object of this provision there can be no doubt. It imposes an obligation upon the States—free or slaveholding—it imposes an obligation upon the officers of government, State or federal—and I add, upon the people of the United States, under particular circumstances—to assist in the recovery and surrender of fugitive slaves from their masters. I have but little doubt that the loss of Kentucky, in consequence of the escape of her slaves, is greater in proportion to the total number of slaves which are held in that Commonwealth than it is in the State of Virginia; and I know too well, and so do the honourable senators from Ohio, know that it is at the utmost hazard and insecurity of life itself that a Kentuckian can cross the river and go into the interior and take back the fugitive slave to the State from which he has fled. A recent example occurred in the city of Cincinnati. One of our most respectable citizens having visited—not Ohio at all—but having visited Covington, on the opposite side of the river, a little slave of his escaped over to Cincinnati. He pursued it, recovered it—having found it in a house where he was concealed—took it out; but it was rescued by the violence and force of a negro mob from his possession—the police of the city standing by, and either unwilling or unable to afford assistance to him. Upon this subject I do think that we have just and serious cause of complaint against the free States. I think they fail in fulfilling a great obligation, and the failure is precisely upon one of those subjects which in its nature is the most irritating and inflaming to those who live in the slave States. Now, Sir, I think it is a mark of no good neighbourhood, of no kindness, of no courtesy, that a man living in a slave State cannot now, with any sort of safety, travel in the free States with his servants, although he has no purpose whatever of stopping there longer than a short time. And on this whole subject, Sir, how has the legislation of the free States altered for the worse within the course of the last twenty or thirty years? Then, Mr. President, I think that the existing laws upon the subject, for the recovery of fugitive slaves, and the restoration and delivering of them up to their owners, being found inadequate and ineffective, it is incumbent on Congress—and I hope hereafter, in a better state of feeling, when more harmony and good-will prevail among the members of this confederacy, it will be regarded by the free States themselves as a part of their duty also—to assist in allaying this irritating and disturbing subject to the peace of the Union; but, at all events, whether they do it or not, it is our duty to do it. It is our duty to make the law more effective, and I shall go with the senator from the South who goes farthest in making penal laws and imposing the heaviest sanctions for the recovery of fugitive slaves, and the restoration of them to their owners. The last resolution declares—"That Congress has no power to prohibit or obstruct the trade in slaves between the slaveholding States; but that the admission or exclusion of slaves brought from one into another of them depends exclusively upon their own particular laws." This is a concession, not, I admit, of any real constitutional provision, but a concession from the North to the South of what is understood, I believe, by a great number at the North, to be a constitutional provision. Such, Mr. President, is the series of resolutions which, in an earnest and anxious desire to present the olive branch to both parts of this distracted, and at the present moment unhappy country, I have thought it my duty to offer.

SPEECH OF HON. JOHN C. CALHOUN.

March 4, 1850.

I have, senators, believed from the first, that the agitation of the subject of slavery would, if not prevented by some timely and effective measure, end in disunion. Entertaining this opinion, I have, on all former occasions, endeavoured to call the attention of both of the two great parties which divide the country, to adopt some such measure to prevent so great a disaster; but without success. The agitation has been permitted to proceed, with almost no attempt to resist it, until it

has reached a period when it can no longer be disguised or denied that the Union is in danger. You have thus had forced upon you the greatest and the gravest question that ever can come under your consideration, "How can the Union be preserved?" To give a satisfactory answer to this mighty question, it is indispensable to have an accurate and thorough knowledge of the nature and the character of the cause by which the Union is endangered. What is it that has endangered the Union? To this question there can be but one answer—that the immediate cause is, the almost universal discontent which pervades all the States composing the Southern section of the Union. This widely extended discontent is not of recent origin. It commenced with the agitation of the slavery question, and has been increasing ever since. The next question is,—"What has caused this wide-diffused and almost universal discontent?" It is a great mistake to suppose, as is by some, that it originated with demagogues, who excited the discontent with the intention of aiding their personal advancement, or with disappointed ambitious individuals, who resorted to it as the means of raising their fallen fortunes. There is no foundation for this opinion. It will rather be found in the belief of the people of the Southern States, as prevalent as the discontent itself, that they cannot remain, as things now are, consistently with honour and safety, in the Union. The next question, then, to be considered is,—"What has caused this belief?" One of the causes is, undoubtedly, to be traced to the long-continued agitation of the slave question on the part of the North, and the many aggressions which they have made on the rights of the South, during the time. There is another, lying back of it, but with which this is intimately connected, that may be regarded as the great and primary cause. It is to be found in the fact, that the equilibrium between the two sections in the government, as it stood when the constitution was ratified and the government put into action, has been destroyed. At that time, there was nearly a perfect equilibrium between the two, which afforded ample means to each to protect itself against the aggression of the other; but, as it now stands, one section has exclusive power of controlling the government, which leaves the other without any adequate means of protecting itself against its encroachments and oppression. To place this subject distinctly before you, I have, senators, prepared a brief statistical statement, showing the relative weight of the two sections in the government, under the first census of 1790, and the last census of 1840. According to the former, the population of the United States—including Vermont, Kentucky and Tennessee, which then were in their incipient condition of becoming States, but were not actually admitted—amounted to 3,929,827. Of this number, the Northern States had 1,977,899, and the Southern, 1,952,072, making a difference of only 25,827 in favour of the former States. The number of States, including Vermont, Kentucky and Tennessee, was sixteen; of which eight, including Vermont, belonged to the Northern section; and eight, including Kentucky and Tennessee, to the Southern, making an equal division of the States between the two sections, under the first census. There was a small preponderance in the House of Representatives, and in the electoral college, in favour of the Northern, owing to the fact that, according to the provisions of the constitution, in estimating federal numbers, five slaves count but three; but it was too small to affect sensibly the perfect equilibrium of numbers which, with that exception, existed at that time—a true, perfect equilibrium. Such was the equality of the two sections when the States composing them agreed to enter into a federal Union. Since then, the equilibrium between them has been greatly disturbed. According to the last census, the aggregate population of the United States amounted to 17,063,357, of which the Northern section contained 9,728,920; and the Southern, 7,334,437; making a difference, in round numbers, of 2,400,000. The number of States had increased from sixteen to twenty-six, making an addition of ten States. In the meantime, the position of Delaware had become doubtful, as to which section she properly belonged. Considering her as neutral, the Northern States will have thirteen, and the Southern States twelve, making a difference in the Senate of two senators in favour of the former. According to the apportionment under the census of 1840, there were 223 members of the House of Representatives, of which the Northern States had 135, and the Southern States, (considering Delaware as neutral) 87; making a difference in favour of the former, in the House of Representatives, of 48; the difference in the Senate of two members added to this, gives to the North, in the electoral college, a majority of fifty. Since the census of 1840, four States have been added to the Union; Iowa, Wisconsin, Florida, and Texas. They leave the difference in the Senate as it stood when the census was taken, but add two to the side of the North in the House, making the present majority in the House in its favour, of fifty; and in the electoral college, of fifty-two. The result of the whole is to give the Northern section a predominance in every department of the government, and thus concentrate in it the two elements which constitute the federal government—majority of States, and a majority of their population, estimated in federal numbers. Whatever section concentrates the two in itself, must possess control of the entire government. But we are just at the close of the sixth decade, and at the commencement of the seventh. The census is to be taken this year, which must add greatly to the decided preponderance of the North in the House of Representatives, and in the electoral college. The prospect is, also, that a great increase will be added to its present preponderance during the period of the decade, by the addition of new States. Two territories—Oregon and Minnesota—are already in progress, and strenuous efforts are making to bring in three additional States from the territory recently conquered from Mexico, which, if successful, will add three other States in a short time to the Northern section, making five States, and increasing its present number of States from fifteen to twenty; and of its senators, from thirty to forty. On the contrary, there is not a single territory in progress in the Southern section, and no certainty that any additional State will be added to it during the decade. The prospect then is, that the two sections in the Senate, should the efforts now made to exclude the South from the newly-conquered territories succeed, will stand before the end of the decade, twenty Northern States to twelve Southern (conceding Delaware to be neutral), and forty Northern senators to twenty-four Southern. This great increase of senators, added to the great increase of members of the House of Representatives, and electoral college, on the part of the North, which must take place upon the next decade, will effectually and eventually destroy the equilibrium which existed when the government commenced. The first of the series of acts

by which the South was deprived of its due share of the territories, originated with the confederacy which preceded the existence of this government. It is to be found in the provisions of the ordinance of 1787. Its effect was to exclude the South entirely from that vast and fertile region which lies between the Ohio and the Mississippi, now embracing five States and one Territory. The next of the series is the Missouri compromise, which excluded the South from that large portion of Louisiana which lies north of 36 deg. 30 min., excepting what is included in the State of Missouri. The last of the series excludes the South from the whole of the Oregon territory. All these, in the slang of the day, were what is called slave territory, and not free soil; that is, territories belonging to slaveholding powers, and open to the emigration of masters with their slaves. By these several acts, the South was excluded from 1,238,025 square miles, an extent of country considerably exceeding the entire valley of the Mississippi. To the South was left the portion of the territory of Louisiana lying south of 36 deg. 30 min., and the portion north of it included in the State of Missouri; the portion lying south of 36 deg. 39 min., includes the State of Louisiana and Arkansas, and the territory lying west of the latter and south of 36 deg. 30 min., called the Indian country. A portion lying south of this, with the territory of Florida, now the State, makes in the whole, 283,503 square miles. To this must be added the territory acquired with Texas. If the whole should be added to the Southern section, it would make an increase of 325,520, which would make the whole left to the South, 609,023. But a large part of Texas is still in contest between the two sections, which leaves uncertain what will be the real extent of the portion of her territory that may be left to the South. I have not included the territory recently acquired by the treaty with Mexico. The North is making the most strenuous efforts to appropriate the whole to herself, by excluding the South from every foot of it. If she should succeed, it will add to that from which Southern laws have already been excluded, 527,078 square miles, and would increase the whole the North has appropriated to herself, to 1,764,023, not including the portion which she may succeed in excluding us from in Texas. To sum up the whole, the United States, since they declared their independence, have acquired 2,373,040 square miles of territory, from which the North will have excluded the South, if she should succeed in monopolising the newly-acquired territories, about three-fourths of the whole, and leave the South but about one-fourth. Such is the first and great cause that has destroyed the equilibrium between the two sections in the government. The next is the system of revenue and disbursements which has been adopted by the government. This, combined with the great and primary cause, amply explains why the North has acquired a preponderance over every department of the government, by the disproportionate increase of population and States. The former, as has been shown, has increased, in fifty years, 2,400,000 over that of the South. This increase of population, during so long a period, is satisfactorily accounted for by the number of emigrants, and the increase of their descendants, which has been attracted to the Northern section from Europe and the Southern section, in consequences of the advantages derived from the causes assigned. But while these measures were destroying the equilibrium between the two sections, the action of the government was leading to a radical change in its character, by concentrating all the power of the system in itself. The result is, that the North has acquired a decided ascendancy over every department of this government, and through it, a control over all the powers of the system. A single section, governed by the will of the numerical majority, has now, in fact, the control of the government, and the entire powers of the system. What was once a constitutional federal republic, is now converted, in reality, into one as absolute as that of the Autocrat of Russia, and as despotic in its tendency as any absolute government that ever existed. As, then, the North has the absolute control over the government, it is manifest, that on all questions between it and the South, where there is a diversity of interests, the interest of the latter will be sacrificed to the former, however oppressive the effects may be, as the South possesses no means by which it can resist, through the action of the government. There is a question of vital importance to the Southern section, in reference to which the views and feelings of the two sections are as opposite and hostile as they can possibly be. I refer to the relations between the two races in the Southern section, which constitutes a vital portion of her social organisation. Every portion of the North entertains views and feelings more or less hostile to it. Those most opposed and hostile regard it as a sin, and consider themselves under the most sacred obligation to use every effort to destroy it. Indeed, to the extent that they conceive they have power, they regard themselves as implicated in the sin, and responsible for suppressing it, by the use of all and every means. Those less opposed and hostile regard it as a crime—an offence against humanity, as they call it, and although not so fanatical, feel themselves bound to use all efforts to effect the same object. While those who are least opposed and hostile, regard it as a blot and a stain on the character of what they call the nation, and feel themselves accordingly bound to give it no countenance or support. On the contrary, the Southern section regard the relation as one which cannot be destroyed without subjecting the two races to the greatest calamity, and the section to poverty, desolation, and wretchedness; and accordingly feel bound, by every consideration of interest, safety, duty, to defend it. The first organised movement towards it commenced in 1835. Then for the first time societies were organised, presses established, lectures sent forth to excite the people of the North, and incendiary publications scattered over the whole South through the mail. At the meeting of Congress petitions poured in from the North, calling upon Congress to abolish slavery in the District of Columbia, and to prohibit what they called the internal slave-trade between the States, avowing, at the same time, that their ultimate object was to abolish slavery not only in the District, but in the States throughout the Union. At this period, the number engaged in the agitation was small, and it possessed little or no personal influence. As to myself, I believed, at that early period, that, if the party who got up the petitions should succeed in getting Congress to take jurisdiction, that agitation would follow, and that it would, in the end, if not arrested, destroy the Union. I then so expressed myself in debate, and called upon both parties to take grounds against taking jurisdiction, but in vain. What has since followed, are but natural consequences. In a short period after they had commenced their first movement, they had acquired sufficient influence to induce the legislatures of most of the Northern States to pass acts, which, in effect, abrogated

the provision of the constitution that provides for the delivering up of fugitive slaves. This was followed by petitions and resolutions of legislatures of the Northern States, and popular meetings, to exclude the Southern States from all territories acquired, and to prevent the admission of any State hereafter into the Union, which, by its constitution, does not prohibit slavery. And Congress is invoked to do all this, expressly with the view of the final abolition of slavery in the States. That has been avowed to be the ultimate object, from the beginning of the agitation until the present time. Such is a brief history of the agitation as far as it has yet advanced. Now, I ask, senators, what is there to prevent its further progress, until it fulfils the ultimate end proposed, unless some decisive measure should be adopted to prevent it? Is it not certain that if something decisive is not now done to arrest it, the South will be forced to choose between abolition or secession? Indeed, as events are now moving, it will not require the South to secede, to dissolve the Union; agitation will of itself effect it, of which its past history furnishes abundant proof. Already the agitation of the slavery question has snapped some of the most important, and has greatly weakened all the others. The strongest of those of a spiritual and ecclesiastical nature, consisted in the unity of the great religious denominations, all of which originally embraced the Union. The first of these cords which snapped under its explosive force, was that of the powerful Methodist Episcopal Church. The numerous and strong ties which held it together are all broken, and its unity gone. The next cord that snapped was that of the Baptists, one of the largest and most respectable of the denominations; that of the Presbyterians is not entirely snapped, but some of its strands have given way; that of the Episcopal Church is the only one of the four great Protestant denominations which remains unbroken and entire. The strongest cord of a political character consists of the many and strong ties that have held together the two great parties, which have, with some modifications, existed from the beginning of the government. They both extended to every portion of the Union, and had strongly contributed to hold all its parts together. But this powerful cord has proved no better than the spiritual. It resisted for a long time the explosive tendency of the agitation, but has finally snapped under its force—if not entirely, nearly so. Nor is there one of the remaining cords which has not been greatly weakened. To this extent the Union has already been destroyed by agitation, in the only way it can be, by snapping asunder and weakening the cords which bind it together. If the agitation goes on, the same force acting with increased intensity, as has been shown, there will be nothing left to hold the States together, except force. How, then, can the Union be saved? To this I answer, there is but one way by which it can be, and that is by adopting such measures as will satisfy the States belonging to the Southern section that they can remain in the Union consistently with their honour and safety. There is, again, only one way by which that can be effected, and that is by reviewing the causes by which this belief has been produced. Do that, and discontent will cease, harmony and kind feelings between the sections be restored, and every apprehension of danger to the Union removed. The question, then, is, by what means can this be done? But before I undertake to answer this question, I propose to show by what it cannot be done. It cannot, then, be done by eulogies on the Union, however splendid or numerous. But how then stands the profession of devotion to the Union by our assailants, when brought to this test? Have they abstained from violating the constitution? Let the many acts passed by the Northern States, to set aside and annul the clause of the constitution providing for the delivering up of fugitive slaves, answer. Again, have they stood forth faithfully to repel violations of the constitution? Let their course in reference to the agitation of the slavery question, which was commenced, and has been carried on, for fifteen years, avowedly for the purpose of abolishing slavery in the States—an object all acknowledged to be unconstitutional—answer. Nor can we regard the profession of devotion to the Union, on the part of those who are not our assailants, as sincere, when they pronounce eulogies upon the Union evidently with the intent of charging us with disunion, without uttering one word of denunciation against our assailants. Nor can the Union be saved by invoking the name of the illustrious Southerner, whose mortal remains repose on the western bank of the Potomac. He was one of us—a slaveholder and a planter. We have studied his history, and find nothing in it to justify submission to wrong. Nor can the plan proposed by the distinguished senator from Kentucky, nor that of the administration, save the Union. The plan of the administration cannot save the Union, because it can have no effect in satisfying the States composing the Southern section of the Union, that they can consistently with safety and honour remain in the Union. It is, in fact, but a modification of the Wilmot proviso. It proposes to effect the same object—to exclude the South from all the territory acquired by the Mexican treaty. It is well known that the South is united against the Wilmot proviso, and has committed itself by solemn resolutions to resist, should it be adopted. Its opposition is not to the name, but to that which it proposes to effect. But the Executive proviso is more objectionable still than the Wilmot, in another and more important particular. The latter, to effect its object, inflicts a dangerous wound upon the constitution, by depriving the Southern States, as joint partners and owners of the territories, of their rights in them; but it effects no greater wound than is absolutely necessary to effect its object. The former, on the contrary, while it inflicts the same wound, inflicts others equally great, and if possible greater, as I shall next proceed to explain. In claiming the right for the inhabitants, instead of Congress, to legislate over the territories, in the Executive proviso, it assumes that the sovereignty over the territories is vested in the former; or, to express it in the language used in a resolution offered by one of the senators from Texas (Gen. Houston, now absent), "They have the same inherent right of self-government as the people in the States." The assumption is utterly false, unconstitutional, without example, and contrary to the entire practice of the government, from the commencement to the present time, as I shall next proceed to show. The recent movement of individuals in California to form a constitution and a State government, and to appoint senators and representatives, is the first fruit of this monstrous assumption. It was the United States who conquered California, and finally acquired it by treaty. The sovereignty, of course, is vested in them, and not in the individuals who have attempted to form a constitution and a State, without their consent. All this is clear beyond controversy, except it can be shown that they have since lost or been divested of their sovereignty. Nor is it less clear that the power of legislating

over the territory is vested in Congress, and not, as is assumed, in the inhabitants of the territories. None can deny that the Government of the United States have the power to acquire territories, either by war or by treaty; but if the power to acquire exists, it belongs to Congress to carry it into execution. Having now established, beyond controversy, that the sovereignty over the territories is vested in the United States—that is, in the several States composing the Union—and that the power of legislating over them is expressly vested in Congress, it follows that the individuals in California who have undertaken to form a constitution and a State, and to exercise the power of legislation, without the consent of Congress, have usurped the sovereignty of the State and the authority of Congress, and have acted in open defiance of both. It is manifest that the Executive department has undertaken to perform acts, preparatory to the meeting of the individuals to form their so-called constitution and State government, which appertain exclusively to Congress. Having now shown that the assumption upon which the Executive and the individuals in California acted, throughout this whole affair, is informal, unconstitutional, and dangerous, I am prepared to show that what has been done is contrary to the entire practice of government, from its commencement to the present time. In all, there existed territorial governments, established by Congress, with officers appointed by the United States. In all, the territorial government took the lead in calling conventions, and fixing preliminaries, preparatory to the formation of a constitution and admission into the Union. They all recognised the sovereignty of the United States, and the authority of Congress over the territories; and whenever there was any departure from the established usage, it was done on the presumed consent of Congress, and not in defiance of its authority, or the sovereignty of the United States over the territories. In this respect, California stands alone, without usage, or a single example to cover her case. It belongs now, senators, for you to decide what part you will act in reference to this unprecedented transaction. The Executive has laid the paper purporting to be the constitution of California before you, and asks you to admit her into the Union as a State, and the question is, will you or will you not admit her? It is a grave question, and there rests upon you a heavy responsibility. Much, very much, will depend upon your decision. If you admit her, you endorse and give your sanction to all that has been done. Are you prepared to do so? Are you prepared to surrender your power of legislation for the territories—a power expressly vested in Congress by the constitution, as has been fully established? Can you, consistent with your oath to support the constitution, surrender it? Are you prepared to admit that the inhabitants of the territories possess the sovereignty over them; and that any number, more or less, may claim any extent of territory they please; may form a constitution and government, and erect it into a State, without asking your permission? Are you prepared to surrender the sovereignty of the United States over whatever territory may be hereafter acquired, to the first adventurers who may rush into it? Are you prepared to surrender virtually to the Executive department all the powers which you have heretofore exercised over the territories? But, it may be asked, what is to be done with California, should she not be admitted? I answer, remand her back to the territorial condition, as was done in the case of Tennessee, in the early stage of the government. Having now shown what cannot save the Union, I return to the question with which I commenced—How can the Union be saved? There is but one way by which it can, with any certainty, be saved, and that is by a full and final settlement, on the principles of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the constitution, and no concession or surrender to make. She has already surrendered so much, that she has little left to surrender. But can this be done? Yes, easily; not by the weaker party, for it can of itself do nothing—not even protect itself—but by the stronger. The North has only to will, to do justice, and perform her duty, in order to accomplish it—to do justice by conceding to the South an equal right in the acquirement of territory; and to do her duty by causing the stipulations relative to the fugitive slaves to be faithfully fulfilled—to cease the agitation of the slave question, and provide for the insertion of a provision in the constitution, by an amendment, which will restore in substance the power she possessed of protecting herself before the equilibrium between the sections was destroyed by the action of this government. There will be no difficulty in devising such a provision—one that will protect the South, and which at the same time will improve and strengthen the government, instead of impairing or weakening it.

SPEECH OF THE HON. DANIEL WEBSTER.

March 7, 1850.

Mr. President,—I wish to speak to-day, not as a Massachusetts man, nor as a northern man, but as an American, and a member of the Senate of the United States. It is fortunate that there is a Senate of the United States—a body not yet moved from its propriety, not lost to a just sense of its own dignity and its own high responsibilities, and a body to which the country looks with confidence for wise, moderate, patriotic, and healing counsels. It is not to be denied that we live in the midst of strong agitations, and are surrounded by very considerable dangers to our institutions of government. The imprisoned winds are let loose. The east, the west, the north, and the stormy south, all combine to throw the whole ocean into commotion, to toss its billows to the skies, and to disclose its profoundest depths. Mr. President, it may not be amiss to recur very briefly to the events which, equally sudden and extraordinary, have brought the political condition of the country to what it now is. In May, 1846, the United States declared war against Mexico. Her armies, then on the frontiers, entered the provinces of that Republic, met and defeated all her troops, penetrated her mountain passes, and occupied her capital. The marine force of the United States took possession of her forts and her towns on the Atlantic and on the Pacific. In less than two years, a treaty was negotiated by which Mexico ceded to the United States a vast territory, extending seven or eight hundred miles along the shore of the Pacific; reaching back over the mountains, and across the desert, until it joined the frontier of the State of Texas. It so happened that in the distracted and feeble state of the Mexican Government, before the declaration of war by the United States against Mexico had become known in California, the people of California, under the lead of American officers, overthrew the existing provincial Government of California—the Mexican

authorities—and run up an independent flag. When the news arrived at San Francisco that war had been declared by the United States against Mexico, this independent flag was pulled down, and the stars and stripes of this Union hoisted in its stead. So, Sir, before the war was over, the powers of the United States, military and naval, had possession of San Francisco and Upper California, and a great rush of emigrants from various parts of the world took place in California in 1846 and 1847. It became a very important subject for legislative consideration and legislative decision, to provide a proper territorial Government for California; yet differences of opinion in the councils of the Government prevented the establishment of any such territorial Government for California at the last session of Congress. Under this state of things, the inhabitants of San Francisco and California—then amounting to a great number of people—in the summer of last year, thought it to be their duty to establish a local Government. Under the proclamation of General Riley, the people chose delegates to a Convention—that Convention met at Monterey. They formed a Constitution for the State of California, and it was adopted by the people of California in their primary assemblages. Desirous of immediate connexion with the United States, its senators were appointed and representatives chosen, who have come hither, bringing with them the authentic Constitution of the State of California; and they now present themselves, asking, in behalf of their State, that the State may be admitted into this Union as one of the United States. This Constitution, Sir, contains an express prohibition against slavery or involuntary servitude in the State of California. It is said, and I suppose truly, that of the members who composed that Convention, some sixteen were natives, and had been residents of the slaveholding States, about twenty-two were from the non-slaveholding States, and the remaining ten members were either native Californians or old settlers in that country. This prohibition against slavery, it is said, was inserted with entire unanimity. And it is this circumstance, Sir, the prohibition of slavery by that Convention, which has contributed to raise—I do not say it has wholly raised—the dispute as to the propriety of the admission of California into the Union under this Constitution. Upon the general nature, character, and influence of slavery, there exists a wide difference between the northern portion of this country and the southern. Why, Sir, the honourable senator from South Carolina, the other day, alluded to the great separation of that great religious community, the Methodist Episcopal Church. That separation was brought about by differences of opinion upon this peculiar subject of slavery. The result was against my wishes and against my hopes. I have read all their proceedings and all their arguments, but I have never yet been able to come to the conclusion that there was any real ground for that separation; in other words, that no good could be produced by that separation. In this state of sentiment upon the general nature of slavery, lies the cause of a great portion of those unhappy divisions, exasperations, and reproaches, which find vent and support in different parts of the Union. Slavery does exist in the United States. It did exist in the States before the adoption of this Constitution, and at that time. And now let us consider, Sir, for a moment, what was the state of sentiment, North and South, in regard to slavery at the time this Constitution was adopted. A remarkable change has taken place since; but what did the wise and great men of all parts of the country think of slavery?—in what estimation did they hold it then, when this Constitution was adopted? Now, it will be found, Sir, if we carry ourselves by historical research back to that day, and ascertain men's opinions by authentic records still existing among us, that there was no great diversity of opinion between the North and the South on the subject of slavery, and it will be found that both parts of the country held it equally an evil—a moral and political evil. The Convention reflected the judgment and sentiments of the great men of the South. A member of the other House, whom I have not the honour to know, in a recent speech has collected extracts from these public documents. They prove the truth of what I am saying, and the question then was, how to deal with it, and how to deal with it as an evil. Well, they came to this general result. They thought that slavery could not be continued in the country if the importation of slaves were made to cease, and therefore they provided that, after a certain period, the importation might be prevented by the act of the new Government. Twenty years was proposed by some gentleman, a northern gentleman, I think, and many of the southern gentlemen opposed it as being too long. Mr. Madison, especially, was something warm against it. He said it would bring too much of this mischief into the country to allow the importation of slaves for such a period. It may not be improper here to allude to that, I had almost said celebrated, opinion of Mr. Madison. You observe, Sir, that the term slave or slavery is not used in the Constitution. The Constitution does not require that "fugitive slaves" shall be delivered up. It requires that "persons bound to service in one State, and escaping into another, shall be delivered up." Mr. Madison opposed the introduction of the term slave or slavery into the Constitution; for he said he did not wish to see it recognised by the Constitution of the United States of America, that there could be property in man. Now, Sir, all this took place at the Convention in 1787; but connected with this, concurrent and contemporaneous, is another important transaction, not sufficiently attended to. The Convention for framing this Constitution assembled in Philadelphia in May, and sat until September, 1787. Now, it was in the summer of 1787, the very time when the Convention in Philadelphia was framing this Constitution, that the Congress in New York was framing the ordinance of 1787. They passed that ordinance on the 13th July, at New York, the very month, perhaps the very day, on which these questions about the importation of slaves and the character of slavery were debated in the Convention at Philadelphia. And, so far as we can now learn, there was a perfect concurrence of opinion between these respective bodies; and it resulted in this ordinance of 1787, excluding slavery as applied to all the territory over which the Congress of the United States had jurisdiction, and that was all the territory northwest of the Ohio. Three years before, Virginia and other States had made a cession of that great territory to the United States. And a most magnificent act it was. I never reflect upon it without a disposition to do honour and justice—and justice would be the highest honour—to Virginia, for that act of cession of her north-western territory. Mr. President, three things are quite clear as historical truths. One is, that there was an expectation that on the ceasing of the importation of slaves from Africa, slavery would begin to run out. That was hoped for and expected. Another is, that as far as there was any power in Congress to prevent the spread of

slavery in the United States, that power was executed in the most absolute manner and to the fullest extent. It was done with the entire and unanimous concurrence of the whole South. Why, there it stands! The vote of every State in the Union was unanimously in favour of the ordinance, with the exception of a single individual vote, and that individual was a northern man. But, Sir, the ordinance abolishing, or rather prohibiting, slavery northwest of the Ohio, has the hand and seal of every southern member in Congress. The other and third clear historical truth is, that the Convention meant to leave slavery, in the States, as they found it, entirely under the authority and control of the States. But soon a change began at the North and the South, and a severance of opinion showed itself—the North growing much more warm and strong against slavery, and the South growing much more warm and strong in its support. What, then, have been the causes which have created so new a feeling in favour of slavery in the South—which have changed the whole nomenclature of the South on the subject—and from being thought of and described in the terms I have mentioned, and will not repeat, it has now become an institution, a cherished institution in that quarter; no evil, no scourge, but a great religious, social, and moral blessing, as I think I have heard it latterly described? I suppose this, Sir, is owing to the sudden uprising and rapid growth of the cotton plantations of the South. Well, Sir, we know what followed. The age of cotton became a golden age for our southern brethren. It gratified their desire for improvement and accumulation, at the same time that it excited it. The desire grew by what it fed upon, and there soon came to be an eagerness for other territory, a new area, or new areas, for the cultivation of the cotton crop, and measures leading to this result were brought about rapidly, one after another, under the lead of southern men at the head of the Government, they having a majority in both branches to accomplish their ends. In 1802, in pursuit of the idea of opening a new cotton region, the United States obtained a cession from Georgia of the whole of her Western territory, now embracing the rich and growing State of Alabama. In 1803, Louisiana was purchased from France, out of which the States of Louisiana, Arkansas, and Missouri have been framed as slaveholding States. In 1819, the cession of Florida was made, bringing another cession of slaveholding property and territory. And lastly, Sir, to complete those acts which have contributed so much to enlarge the area and the sphere of the institution of slavery, Texas, great, vast and illimitable Texas, was added to the Union as a slave State in 1845; and that, Sir, pretty much closed the whole chapter, and settled the whole account. That closed the whole chapter, that settled the whole account, because the annexation of Texas, upon the conditions and under the guarantees upon which she was admitted, did not leave an acre of land, capable of being cultivated by slave labour, between this Capitol and the Rio Grande or the Nueces, or whatever is the proper boundary of Texas—not an acre, not one. From that moment, the whole country, from this place to the western boundary of Texas, was fixed, pledged, fastened, decided, to be slave territory for ever by the solemn guarantees of law. And I now say, Sir, as the proposition upon which I stand this day, and upon the truth and firmness of which I intend to act until it is overthrown, that there is not at this moment in the United States, or any territory of the United States, a single foot of land, the character of which, in regard to its being free soil territory or slave territory, is not fixed by some law, and some irrevocable law, beyond the power of the action of this Government. Now, is it not so with respect to Texas? Why, it is most manifestly so. Allow me to read the resolution. It is the third clause of the second section of the resolution of the 1st of March, 1845, for the admission of Texas, which applies to this part of the case. That clause reads in these words:—"New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the Federal Constitution. And such States as may be formed out of the portion of said territory, lying south of 36 deg. 30 min. north latitude, commonly known as the Missouri compromise line, shall be admitted into the Union with or without slavery, as the people of each State asking admission may desire; and in such State or States as may be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude (except for crime) shall be prohibited." Now, what is here stipulated, enacted, secured? It is, that all Texas south of 36 deg. 30 min., which is nearly the whole of it, shall be admitted into the Union as a slave State. It was a slave State, and therefore came in as a slave State. And the guarantee is that new States shall be made out of it, and that such States as are formed out of that portion of Texas lying south of 36 deg. 30 min., may come in as slave States to the number of four, in addition to the State then in existence, and admitted at that time by these resolutions. I know no form of legislation which can strengthen that. I know no mode of recognition that can add a tittle of weight to it. I know no way, I candidly confess, in which this Government, acting in good faith, as I trust it always will, can relieve itself from that stipulation and pledge, by any honest course of legislation whatever. And, therefore, I say again that, so far as Texas is concerned—the whole of Texas south of 36 deg. 30 min., which I suppose embraces all the slave territory—there is no land, not an acre, the character of which is not established by law, a law which cannot be repealed without the violation of a contract, and plain disregard of the public faith. I hope, Sir, it is now apparent that my proposition, so far as Texas is concerned, has been maintained; and the provision in this article—and it has been well suggested by my friend from Rhode Island, that that part of Texas which lies north of 34 deg. of north latitude may be formed into free States—is dependant, in like manner, upon the consent of Texas, herself a slave State. My argument, my suggestion is this, that those gentlemen who composed the Northern democracy, when Texas was brought into the Union, saw, with all their eyes, that it was brought in as a slave country, and brought in for the purpose of being maintained as slave territory to the Greek Kalends. This admission of Texas was in 1845. Then, in 1847, *flagrante bello* between the United States and Mexico, the proposition I have mentioned was brought forward by my friend from Georgia, and the Northern democracy voted straight a-head against it. Their remedy was to apply to the acquisitions, after they should come in, the Wilmot proviso. What follows? These two gentlemen, worthy and honourable and influential men—and if they had not been, they could not have carried the measure—these two gentlemen, members of this body,

brought in Texas, and by their votes they also prevented the passage of the resolution of the honourable senator from Georgia, and then they went home and took the lead in the free-soil party. And there they stand, Sir! They leave us here, bound in honour and conscience by the resolutions of annexation—they leave us here, to take the odium of fulfilling the obligations in favour of slavery which they voted us into, or else the greater odium of violating those obligations, while they are at home making rousing and capital speeches for free soil and no slavery. I wish it to be distinctly understood to-day, that, according to my view of the matter, this Government is solemnly pledged by law to create new States out of Texas, with her consent, when her population shall justify such a proceeding, and so far as such States are formed out of Texas territory lying south of 36 deg. 30 min., to let them come in as slave States. That is the meaning of the resolution which our friends, the Northern democracy, have left us to fulfil; and I, for one, mean to fulfil it, because I will not violate the faith of the Government. Now, as to California and New Mexico, I hold slavery to be excluded from those territories by a law even superior to that which admits and sanctions it in Texas. I mean the law of nature—of physical geography—the law of the formation of the earth. That law settles for ever, with a strength beyond all terms of human enactment, that slavery cannot exist in California or New Mexico. Now, Mr. President, I have established, so far as I proposed to go into any line of observation to establish, the proposition with which I set out, and upon which I propose to stand or fall; and that is, that the whole territory of the States in the United States, or in the newly acquired territory of the United States, has a fixed and settled character, now fixed and settled by law, which cannot be repealed in the case of Texas without a violation of public faith, and cannot be repealed by any human power in regard to California and New Mexico; that, under one or other of these laws, every foot of territory in the States or in the territories has now received a fixed and decided character. Mr. President, in the excited times in which we live, there is found to exist a state of crimination and recrimination between the North and the South. There has been found at the North, among individuals and among the legislators of the North, a disinclination to perform, fully, their constitutional duties in regard to the return of persons bound to service who have escaped into the free States. In that respect, it is my judgment that the South is right, and the North is wrong. Every member of every northern legislature is bound by oath, like every other officer in the country, to support the Constitution of the U. States; and this article of the Constitution, which says to these States they shall deliver up fugitives from service, is as binding in honour and conscience as any other article. No man fulfils his duty in any legislature, who sets himself to find excuses or evasions to escape from this constitutional obligation. I have always thought that the Constitution addressed itself to the legislatures of the States themselves, or to the States themselves. It says that those persons escaping to other States shall be delivered up, and I confess I have always been of the opinion that it was an injunction upon the States themselves. Wherever I go, and whatever I speak on the subject—and when I speak here, I desire to speak to the whole North—I say that the South has been injured in this respect, and has a right to complain; and the North has been too careless of what I think the Constitution peremptorily and emphatically enjoins upon it as a duty.—Sir, I wish to make two remarks, and hasten to a conclusion, I wish to say, in regard to Texas, that if it should be hereafter at any time the pleasure of the government of Texas to cede to the U. States a portion, larger or smaller, of her territory which lies adjacent to New Mexico, and north of the 34 deg. of north latitude, to be formed into free States, for a fair equivalent in money or in the payment of her debt, I think it an object well worthy the consideration of Congress, and I shall be happy to concur in it myself, if I should be in the public councils of the country at the time.—I have but one other remark to make. In my observations upon slavery as it has existed in the country, and as it now exists, I have expressed no opinion of the mode of its extinguishment or amelioration. I will say, however, though I have nothing to propose on that subject, because I do not deem myself so competent as other gentlemen to consider it, that if any gentleman from the South shall propose a scheme of colonisation, to be carried on by this government upon a large scale for the transportation of free coloured people to any colony or any place in the world, I should be quite disposed to incur almost any degree of expense to accomplish that object.

Parliamentary Intelligence.

HOUSE OF COMMONS.—April 29th.

SEIZURE OF BRITISH SUBJECTS AT CHARLESTON.

Mr. COCKBURN desired to ask the noble Secretary for Foreign Affairs a question founded upon a statement that appeared the other day in the newspapers. In a case before the magistrates at the Thames Police-court, the captain of the British bark *Mary Ann*, stated, that on her last outward voyage, when the ship put in at Charleston, the police authorities of that place boarded his vessel, seized the steward, a man of colour, who had committed no offence whatever, but, on the contrary, had a high character from the captain for respectability and intelligence, took him on shore, committed him to the common prison of the town, and kept him there during the whole time the vessel remained in the port, a period of two months. The captain further stated, that it was the uniform practice with the authorities at Charleston to board, in the same way, every vessel coming to that place, to take out of them any of the crew who were men of colour, and to keep them incarcerated during the stay of the ship at that port. It appeared to him that this practice of seizing British subjects before they had even set foot upon the American soil, when they were on board British vessels and under the protection of the British flag, though possibly authorised by some local law, was, if not a direct infringement of the law of nations, altogether opposed to the principles which ordinarily regulated the intercourse between civilised nations. He begged to ask the noble lord, first, whether he was aware of the practice; and, secondly, inasmuch as public indignation in this country had been greatly excited by the statements in the newspapers, and it was desirable the people should be satisfied that the Government were not indisposed to take any practicable steps towards remonstrating against and putting an end to the practice in question,—he begged to ask the noble lord whether he had used any endeavours with the Government of the United States to

prevent British subjects, whether black or white, from having their liberty invaded and their persons incarcerated by so scandalous a violation of the principles that should regulate the intercourse of civilised nations?

Lord PALMERSTON was sorry to say that the subject to which the hon. and learned gentleman had drawn the attention of the House, was by no means new to the Government, for it was brought under the notice of the Government several years ago. It was an undoubted fact, that there existed in Carolina, and in Louisiana also, a law by which free men of colour, of whatever country they might be, whether foreigners or citizens of some other State of the Union, were subject, on coming into either of those States, to imprisonment, with a view to their ultimate removal from the territories of those States. With reference to persons of colour coming in ships, the law prescribed the course stated by the hon. and learned gentleman, directing that all free men of colour should be taken from any such ships, and kept in prison until the said ship sailed, making the master of the ship responsible for removing all such coloured persons when he himself left the port. It was quite unnecessary for him to express the opinion which every man who heard him must entertain with respect to such a law. It was a law arising from that unfortunate institution which existed in the United States, and which, as every one was aware, had become the subject-matter of very serious differences in the Congress of the United States. It was a law equally as applicable to the citizens of the Union as to the subjects and citizens of other States. In 1847 her Majesty's Government directed our Minister at Washington to present a note to the Government of the United States, remonstrating against the law, not only as inconsistent with the established polity of nations, but as at variance with a portion of the articles of treaty of 1815 between Great Britain and the United States, under which all subjects and citizens of the two countries were to be permitted freely to enter, freely to reside in, and freely to quit the territories of each. The answer made verbally and not in writing by Mr. Buchanan, then Secretary of State for Foreign Affairs of the United States, was, that the Federal Government had no power to induce the Legislature of the State of Carolina to revoke the law; and that if the British Government insisted on its right, and pressed the Government of the United States on the ground of that right, so based on the treaty of 1815, the Government of the United States would find the question not merely so difficult, but so utterly impossible to deal with, that they would be obliged, however reluctantly, and at whatever inconvenience to themselves and to us, to take advantage of the stipulation contained in the treaty of 1827, by which either of the contracting parties was to be at liberty, at any time it pleased subsequent to 1828, to put an end to that treaty of 1815 upon giving twelve months' notice. It had not appeared to her Majesty's Government that any commensurate advantage would, under such circumstances, result from further pressing the matter. Whatever might be thought of the principle of the law, on the other hand, it was fair to remind the House that it was matter of public notoriety, so that free persons of colour, subjects of her Majesty or otherwise, who voluntarily went within the operation of the law, knew beforehand the inconvenience to which they exposed themselves.

The following is the case referred to in the Parliamentary proceedings:—

POLICE INTELLIGENCE.

Mr. William Waddington, the master of the bark *Mary Ann*, appeared at the Thames Police-court, before Mr. Yardley, on a summons for refusing to pay £17 16s. 8d. to a man of colour, named Isaac Bowers, late steward of the same vessel, for services on a voyage from Glasgow to Boston and Charleston, in the United States, and back to London.

Mr. Pelham, for the complainant, said this was a very peculiar case. The complainant was a native of Antigua, and a British subject, and shipped in the *Mary Ann* as a steward, under articles of agreement, for £2 10s. per month. When the ship was at Charleston, which is in a slaveholding State, a constable came on board and took the steward into custody, and conveyed him to a gaol, where he was confined for two months, until the vessel was ready to sail again. The captain now refused to pay the wages claimed, on the ground that he had paid for the steward's support while in gaol, and that he had a right to deduct two months' pay. The steward had committed no offence whatever, and the master of the ship made no resistance to his being taken out of the vessel, but when the constables came on board said, "You must go—they have come for you," and suffered him to be taken away. The outrage was a most flagrant one. The steward had made two voyages in the vessel, and was a very intelligent and respectable man, and he meant to contend that he was entitled to his full wages. The defendant had made no effort to obtain the release of the seaman, and he ought at least to have made some stir or resistance. Mr. Pelham then put in a certificate from the Vice-consul of the United States, at Liverpool, that Bowers came to that port on the 2nd of April, 1849, in the American ship *Dublin*, from Mobile, and stated himself to be a native of Antigua and a British subject. The defendant had made no representation to the British Minister at Washington, or even sought the protection of the British Consul, and had passively acquiesced in the unjustifiable imprisonment of Bowers.

Mr. Waddington said, the complainant had not been discharged from his vessel, nor was the cargo out, and, consequently, he was not entitled to wages; but he agreed to waive those points and meet the case on the principal question. He said that a constable did come on board at Charleston, and take the steward out of the ship, because he was a black man, and that the sheriff of the State would not allow him to be on board in the harbour, or to be at large while the ship remained there.

Mr. Yardley.—Do they take all men of colour out of the ships at Charleston?

Mr. Waddington.—Yes, and they keep them in prison, too.

Mr. Yardley.—Do you mean to say a British subject was taken out of the ship and imprisoned, because he was a man of colour?

Mr. Waddington.—Yes, Sir; the Americans in the ports of the slaveholding States make no distinction with men of colour, to whatever country the ship belongs. I was compelled to pay £20 for the expenses of his maintenance while he was in gaol.

Mr. Yardley.—I can scarcely believe you. Did you know it was the regulation of the port of Charleston before you went there?

Mr. Waddington.—Yes; I knew it very well indeed. I wanted to discharge the steward at Boston and not take him to Charleston at all, but he would proceed in the ship to Charleston. At Boston his liberty was not interfered with at all. I had another black man on board, and he knew what his fate would be if he went to Charleston, and he quitted my ship at Boston.

Mr. Yardley had not the shadow of a doubt the wages must be paid. The defendant went into the port of Charleston, fully aware of the regulations of the port, which he confessed were so extraordinary as almost to appear incredible. The defendant, by his own admission, told the steward at Boston that he knew he would be arrested if he went on to Charleston, but notwithstanding took him there. The defendant was no doubt obliged to comply with the law of the country he was in, but the steward was not the less one of his crew because he was committed to prison, nor could the wages be withheld.

Mr. Waddington.—But cannot I charge him with the expenses of his maintenance in gaol?

Mr. Yardley.—No; certainly not. You must pay the expenses as well.

The accounts between the parties was then gone into, and the complainant said he had served seven months and four days on board the *Mary Ann*, and that he had received £5 10s. only.

Mr. Pelham then re-opened the subject of the man's arrest, and said the captain would have been justified in making resistance.

Mr. Yardley.—I don't know that; he must comply with the laws of the country he is in, whatever they are. What was the steward sent to prison for?

Mr. Waddington.—To prevent his contaminating the slaves. No free person of colour is allowed to be at large, either at New Orleans or Charleston; and if any man of colour is found on board ship, of any country, the sheriff takes him out and charges the ship with the expense.

Mr. Pelham.—This is free America, the boasted land of liberty, where a man is imprisoned for his complexion! What crime had this man committed?

Mr. Waddington.—A very great one. He is a black man; that is a crime in the slaveholding States of America.

Mr. Yardley said, there were no exceptions on the articles of agreement. For some purpose or other, or for some polity, men of colour were not allowed to remain on board the ships of any country at Charleston. He was told it was to prevent the free men of colour from contaminating the slaves with ideas of liberty; but whatever it was, his impression was very strong indeed, that the complainant's name being on the articles of agreement for the whole voyage, he was entitled to all his wages. It was for no offence or act of the complainant that he was kept away from the ship for two months. The time was running on in the contract, the same as if the man was on board ship. He was decidedly of opinion the two months could not be excepted from the time, there were no exceptions in the articles; but in any future contracts with men of colour, it might be made a matter of stipulation that they should not be paid while they were in prison. He must order the wages.

Mr. Pelham.—I think this is a case for Lord Palmerston.

At the request of the defendant, the case was finally ordered to stand over till Monday, because he had not his accounts with him, but upon the understanding that the main question was decided.

Mr. William Waddington, the master of the bark *Mary Ann*, appeared for the second time before Mr. Yardley, to show cause why he refused payment of £17 16s. 8d. wages, earned by Isaac Bowers, a man of colour, and a native of Antigua, for services as steward on a voyage from Glasgow to Boston and Charleston in the United States, and back to London, under articles of agreement.

Mr. Pelham, who appeared for the seaman, said, he now understood the wages would be paid without any further opposition.

Mr. Waddington said, he would rather give the man money than take it from him, but it was a serious loss to the ship to pay two months' wages and £20 besides for expenses while the steward remained in prison. If he went back to the United States he should get into serious trouble in consequence of what had taken place in that Court, and the exposure in the newspapers relating to slavery in America.

Mr. Yardley.—Oh no, you won't. You have got immortalised by coming here and stating what you did.

Mr. Waddington.—They will cut the masts out of my ship whenever I reach Charleston, or any other port of a slaveholding State in America.

Mr. Yardley.—Oh, no, no! you can go there again with safety.

Mr. Waddington.—Indeed, I cannot, Sir.

A discussion then ensued relating to the time the steward left the vessel in this port, the master contending that he did not come on board after the 19th inst., while the steward said he was on board till the 22nd.

Mr. Waddington.—He has sworn falsely—he said the 19th.

Mr. Yardley.—Nonsense, man; it don't show much common sense to catch the man up in that manner. You exhibited more sense when you were here the other day.

Mr. Waddington.—I have got as much sense as many other men have.

Mr. Yardley.—Come, Sir, don't be impertinent. I will not suffer it.

Mr. Waddington.—"I cannot go back to any slaveholding State in America; if I do, my ship will be scuttled, or the masts taken out." He then held a short conversation with Mr. Pelham, and said "he would not pay the wages up to the 20th of April, for the man had not been regularly discharged;" and the solicitor said, "if he did not he would obtain a distress warrant and seize the ship." Mr. Waddington then took up his papers, and as he was going away said, "D—n it, I wish we were all slaves—seamen, magistrates, and all."

An order for the payment of £11 14s. 6d., after giving the captain credit for advances, was made.

* * We are very reluctantly compelled to postpone the publication of our subscription list until our next.